

APPENDIX F

REFERENCES (Copies Furnished)

CECC-J memorandum, 13 Mar 98, "Fees for Licensing, Certification, Training, and Professional Engineers Stamps"(pg.F-2)

CEHR-E/CESO-I memorandum, 19 Oct 90, "Supplemental Guidance on Hazard Pay Environmental Differentials Regarding Hazardous and Toxic Waste (HTW) Sites" (pg. F-5)

CECI-IR/CEMP-R memorandum, 10 Aug 99, "Environmental Classification Standards" (pg. F-28)

CEMP-RS/CERE-AP memorandum, 22 Nov 89, "USACE Real Estate Support for EPA Superfund Program" (pg. F-53)

CERE-AP memorandum, 6 Feb 98, "Guidance for the Provision of Real Estate Support to the Formerly Utilized Sites Remedial Action Program and Delegation of Authority to Execute Rights-of-Entry and Acquire Real Property and Interests Therein (pg. F-62)

CESO-I (40-5) memorandum, 23 Sep 99, "HTRW Medical Surveillance Program Inclusion and Frequency Criteria" (pg. F-67)

EPA OSWER Directive 9355.5-01/FS, Feb 90, "Real Estate Acquisition Procedures for USACE Projects" (pg. F-72)

Pre-Award Site Visit Agreement, "Liability Release for Contractor Site Visit" (pg. F-78)

U.S. EPA letter, 18 Oct 90, authorizing CE personnel to sign manifests on EPA's behalf (pg. F-79)

Annual Financial Agreement Between the Defense Contract Audit Agency and the U.S. Army Corps of Engineers, Fiscal Year 2000, Agreement Number 002900 (pg. F-82)

CEMP-RS memorandum, 7 Jan 99, "Implementation of the Program and Project Management Information System (PROMIS) for Environmental Programs" (pg. F-89)

CESO-I memorandum, 13 May 94, "HTRW Safety and Health Training Courses and Medical Surveillance Required by OSHA Standards 29 CFR 1910.120 and 1926.65" (pg. F-94)

EP 415-1-266
31 May 00

CECC-J

13 MAR 1998

MEMORANDUM FOR CHIEF, GENERAL ENGINEERING BRANCH, DIRECTORATE OF
CIVIL WORKS (ATTN: CECW-EP/Charles Pearre)

SUBJECT: Fees for Licensing, Certification, Training, and Professional Engineers Stamps

1. Reference:

- a. Electronic Mail from Charles Pearre to Robert Nichols, September 5, 1997, subject: Help;
- b. Memorandum from Chief, Engineering Division, Louisville District, USACE, for Commander, USACE, Attn: CECW, 14 January 1997, subject: Request for determination under 1110-1-8152, sec. 5.e(3) and waiver of ER 1110-1-8152, sec. 5.f;
- c. ER 1110-1-8152, Engineering and Design, Professional Registration, 8 August 1995; and
- d. EC 1110-1-76, Appendix B, Legal Opinion, 6 November, 1992.

2. Pursuant to your request, our office reviewed two issues involving the use of appropriated funds to pay fees associated with Corps employees performing their jobs. This memorandum addresses those issues.

3. Fees for Licenses, Certifications, and Associated Training. The first issue, discussed in your reference 1b memorandum, is whether the Louisville District may pay state and local licensing and certification fees for Corps asbestos inspectors, asbestos management planners, lead-based paint risk assessors, and water management engineers. Further questions have also been raised concerning the applicability and restrictions of ER 1110-1-8152 with regard to this issue.

a. Legality of Paying Expenses. The Comptroller General (CG) addressed the issue of using appropriated funds to pay such licensing and certification fees (and associated fees for training) in two opinions, B-257895, Oct. 28, 1994, and B-252467, June 3, 1994. In those cases, the CG stated that such expenses generally are personal expenses not properly chargeable to agency appropriations. However, an exception to this general rule exists when: (1) the primary interest in obtaining the license or certification lies with the Federal agency; (2) the Federal employees are required by law to comply with licensing or certification requirements; and (3) the license or certification is not being obtained for the purpose of qualifying the employee for the employee's position. B-257895; B-252467. According to the information provided by your office, each of these three conditions has been met for the Corps asbestos inspectors, asbestos

management planners, and lead-based paint risk assessors; thus, the Corps may, at its discretion, pay the licensing and certification (and related education) expenses of those employees. This exception, however, would not apply to the licensing and certification expenses of the Corps water management engineers. As the CG stated in B-252467, engineers and other professional personnel are fully aware of the licensing requirements of their professions from the time they begin their professional education, and, in that sense, the licensing and certification requirements are considered to be more for the personal benefit of the individuals than for their employers. *Id.* Thus, the Corps may not use appropriated funds to pay the licensing and certification fees for water management engineers.

b. ER 1110-1-8152. In the reference 1b memorandum, the Louisville District asserted that a waiver of ER 1110-1-8152, section 5f was necessary to pay the licensing and certification fees discussed in the preceding paragraph. The Louisville District also requested a determination as to whether ER I 110-1-8152, section 5e(3), permitted the payment of fees for the requisite training for such licensing or certification. This section addresses those requests.

(1) The express purpose of ER 1110-1-8152 is to provide "policy and guidance concerning professional registration for engineer, architect, landscape architect, surveyor and geologist team members in all functional areas of the U.S. Army Corps of Engineers" Thus, of the employment positions discussed in your requests, only water management engineers fall within the scope of ER 1110-1-8152; the regulation does not apply to asbestos inspectors, asbestos management planners, and lead-based paint risk assessors.

(2) Section 5f provides as follows: "Payment by the Government for the cost of any (initial or subsequent) licensing examination is permitted only in two rare cases, inapplicable to the Corps." This section does not establish a Corps policy; it restates the CG's position that appropriated funds may not be used to pay the licensing and certification requirements of engineers. Therefore, a waiver of this provision is infeasible.

(3) Section 5e(3) of ER 1110-1-8152 provides as follows:

There are limited circumstances under which an agency may pay for the costs of training for additional licenses beyond the initial license that qualifies an employee for a position. The "head of the agency" must determine, under the Employees-Training Act, that members of a particular professional staff should take a course, and the course must be directly related to the performance by the employee of official duties for the Government.

Thus, although the Corps may not use appropriated funds to pay the licensing and certification fees of Corps engineers, the Corps may pay for continuing education of such engineers, provided that the agency makes the noted necessary determinations. This position is consistent with the CG's rule described in paragraph 3a.

EP 415-1-266
31 May 00

4. Fees for Professional Engineers Stamp. The reference 1 a e-mail raised the issue of whether the Corps may use appropriated funds to pay for professional engineers stamps for Corps employees. In accordance with the principles described in paragraph 3a of this opinion, the Corps may not use appropriated funds to pay such fees, as the primary benefit would accrue to the employee engineer.
5. If you have further questions, please contact Robert Nichols or me at (202) 761-4931

/s/
RUPERT JENNINGS
Senior Counsel
For Military Programs

EP 415-1-266
31 May 00

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
Washington, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CEHR-E/CESO-I

19 October 1990

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Supplemental Guidance on Hazard Pay Environmental
Differentials Regarding Hazard Toxic Waste (HTW) Sites

1. Enclosed is supplemental guidance regarding the payment of hazard pay for GS/GM positions and environmental differential for FWS positions specifically assigned/detailed to on-site HTW site predesign, design and construction activities where exposure' conditions identified in paragraphs 5 and 9 of the guidance are met. This guidance should be implemented upon receipt. We are continuing to work towards publishing this guidance in a more permanent format.

2. Questions regarding this guidance should be directed to Millie Edwards, CEHR-E, (202) 475-9029, or to Robert Stout, CESO-I, (202) 272-0091.

FOR THE COMMANDER:

Encl

R. LOSCHIALPO
Director of Human Resources

JOHN E. GEIGLEIN
Chief, Safety and Occupational
Health Office

DISTRIBUTION:

Division Commander, ATTN: Civilian Personnel Offices
District Commander, ATTN: Civilian Personnel Offices
Commander, Toxic and Hazardous Materials Agency, ATTN: Civilian
Personnel Office
Director, Humphreys Engr Center Support Activity, ATTN: Civilian
Personnel Office
Commander/Director, Construction Engineering Research

EP 415-1-266

31 May 00

Laboratory, ATTN: Civilian Personnel Office
Commander/Director, Cold Regions Research and Engineering
Laboratory, ATTN: Civilian Personnel Office
Commander/Director, Waterways Experiment Station, ATTN:
Civilian Personnel Office
Division Commanders, ATTN: Safety and Occupational Health
Offices
District District Commanders, ATTN: Safety and Occupational
Health Offices
Commander, Toxic and Hazardous Materials Agency, ATTN: CETHA-SO
Director, Humphreys Engr Center Support Activity,
ATTN: CEHEC-SO
Commander/Director, Construction Engineering Research
Laboratory, ATTN: CECER-SO
Commander/Director, Cold Regions Research and Engineering
Laboratory, ATTN: CECRL-SO
Commander/Director, Waterways Experiment Station, ATTN: Safety
and Occupational Health Office

SUPPLEMENTAL GUIDANCE
Civilian Personnel Policy on Hazard Pay
Environmental Differentials

1. References.

- a. AR 690-532-1
- b. ER 37-1-20
- c. EP 37-2-1, Chapter 7
- d. 5 U.S. Code 5545(d) and 5548(b)
- e. 5 C.F.R. 550.901 et. seq.
- f. 29 CFR 1910.120, Appendix B
- g. Federal Personnel Manual Supplement 532-1, Paragraph 8-7 and Appendix J
- h. Federal Personnel Manual Supplement 990-2, Book 550, Subchapter S.9, and Appendices A and E
- i. USACE Hazard Toxic Waste Management Plan, June 1988

2. The purpose of this document is to provide supplemental guidance for the payment of pay differentials for irregular or intermittent duty involving unusual physical hardships, hazards, or working conditions of an unusually severe nature.

3. This guidance is generally applicable to all USACE GS/GM and Federal Wage System (FWS) positions specifically assigned/detailed to on-site hazard toxic waste (HTW) site predesign, design and construction activities where exposure conditions identified in paragraph 5 and 9 are met. HTW sites are sites as defined in the USACE HTW Management Plan (reference li). Also, for ease of reference, both hazard pay (GS/GM) and environmental differential (FWS) are collectively referred to as hazard pay.

4. Paragraph 1 lists the references governing payment of hazard pay. However, there has been a difference of interpretation among the various USACE servicing personnel offices as to when hazard pay should be granted at hazardous waste sites. As a result, some of our employees receive hazard pay. Others, in seemingly comparable situations, do not. This is intended to provide clear USACE-wide guidance for Field Operating Agencies (FOA) to use when determining eligibility for hazard pay at HTW site activities.

5. References 1a through 1e, 1g, and 1h provide authoritative guidance on the payment of hazard pay for GS/GM and FWS employees respectively. Applying this guidance to USACE HTW positions, hazard pay is considered to be warranted if ALL of

31 May 00

the following three conditions exist:

a. The employee must perform duty that is subject to eligible physical hardship or hazards criteria as described in references 1a, 1g, and 1h.

b. The duty must be irregular or intermittent as described in paragraph 7.

c. The duty must not affect the grade of the FWS position or the classification of the GS/GM position.

d. In order to establish a common interpretation of the three conditions listed above, the explanations in paragraphs 6 through 9 shall apply.

6. Those conditions that warrant hazard pay are described in references 1a, 1g, and 1h. The most common hazard would include exposure to hazardous agents, e.g., toxic chemical materials, when there is a possibility of leakage or spillage or physical hazard such as described in the examples found in Appendix A.

b. Hazard pay is not permitted for work activities of GS/GM or FWS employees not listed in references 1a, 1g, and 1h. When FCA who identify exposure to unusual physical hardships or hazards not eligible for hazard pay as described in the references above, they may request that such unusual hardship or hazard conditions be added to the list of eligible categories. Such requests shall be submitted to the Director of Personnel, ATTN: CEHR-E. Such requests will be processed through the Army civilian personnel channels to the Office of Personnel Management for evaluation.

7. a. Time Administration. Irregular or intermittent means that the duties are not performed on a regular basis in accordance with an established schedule. Most USACE employees concerned with on-site HTW pre-design, design and construction activities involving physical hardship or hazardous conditions do not normally perform this work in accordance with an established schedule. Rather, the work is performed on an as-required basis. The bulk of such USACE employees concerned with physical hardship or hazardous duty situations are in professional and technical occupations that involve responsibility for program development and management, preliminary assessments and site inspections, predesign evaluations, technical analyses, on-site design efforts and construction management oversight. Therefore, USACE employees who are exposed to physical hardships or hazardous conditions on a sporadic basis can be considered to fall within this

definition of irregular or intermittent.

b. Position Classification.

(1) The opposite of irregular or intermittent is regular and recurring. Performing HTW predesign, design and construction tasks involving physical hardships or hazardous conditions can, be considered irregular or intermittent if exposure to physical hardship or hazards is infrequent, i.e., normally consisting of less than a substantial amount of the time. The rationale for this is rooted in the classification concept of "major duty" which is generally defined as one that recurs periodically and occupies a substantial amount of the incumbent's time. Therefore, if involvement in physical hardship or hazardous duty situations occupies less than a substantial amount of an employee's time, it could be considered a minor rather than a major duty and, consequently, irregular or intermittent. However, there may be situations where hazard pay can be granted even if physical hardship or hazardous duty situations occupy more than a substantial amount of the employee's time. Such rare cases could occur, for example, when an employee suddenly encounters a "catastrophic" type situation, and exposure to physical hardship or hazardous situations dramatically increases. In such cases, hazard pay could be granted, if warranted, because emergency one-time "catastrophic" situations are, by definition, infrequent and unusual.

(2) The definition of what is "substantial" is not included in law or OPM regulation. Ten percent or more of an employees time (per annum) provides a useful benchmark. Servicing personnel offices involved in tracking hazard pay for GS/GM employees should see to it that the time actually spent in exposure to physical hardship or hazard situations counts as part of the overall total and not the time for which hazard pay is received. This is because a GS/GM employee who is exposed to a physical hardship/hazard situation of one hour, for example, normally receives eight hours hazard pay. However, only the one hour of exposure to the physical hardship/hazard situation should be counted in making the determination of whether the duty is irregular or intermittent. This is in contrast to FWS employees, who receive hazard pay for hours of actual exposure.

8. Hazard pay may not be granted to FWS employees when duties involving exposure to physical hardship or hazard have been taken into account in the grading of their positions. For GS/GM employees, a hazardous duty differential is not payable when the hazard has been taken into account in the classification process, whether or not the duty has resulted in a change in the grade of the position.

a. In the USACE, virtually all wage system and GS/GM positions concerned with HTW on-site predesign, design and construction activities are graded on the basis of their professional, technical, and/or administrative responsibilities rather than on the basis of being exposed to physical hardship or hazardous duty situations. GS/GM positions classified by FES standards address both "physical demands" and "work environment." When 50 points are granted for these factors, it may be considered that the hazard has been taken into account in the classification process. Positions granted 20 points or less for these factors would be eligible for hazard pay for the HTW conditions described elsewhere in this circular. Consequently, it is almost inconceivable that GS/GM employees could be deprived of hazard pay on account of the classification of their positions.

b. Working conditions are included in the grading of FWS jobs. However, if exposure to conditions of any unusual nature is regular and recurring, any related skill and knowledge, and responsibility should be taken into account in grading the jobs. This may or may not result in changes in the basic grades of the jobs as shown by applicable classification standards.

9. Safety.

a. (1) The Command's safety and occupational health policy is that no USACE employee be exposed to physical hardship or hazardous duty situations without protective safeguards. In consonance with the objectives of the Hazard Pay/Environmental Differential Pay Procedures, the overwhelming number of potentially hazardous job exposures can and must be adequately controlled. Through operation of the Army and USACE safety and occupational health programs, safety and health hazards can be adequately controlled and pose little significant hazard if controls are provided and properly used. Where the job-related hazard or environmental condition is "practically eliminated" by provision of personal protective measures, standard operating procedures, or devices, hazard pay is not warranted and should not be paid. Where effective measures are provided but are not utilized because of inconvenience to the employee, no basis exists for payment, and disciplinary action should be considered.

(2) When payment for a job-related hazard or environmental condition is questionable, the servicing civilian personnel office will, request a hazard survey and/or determination by FOA safety and occupational health authorities. For industrial hygiene/occupational health related exposures the hazard

determination shall be made by the FOA safety and occupational health office's industrial hygienist. The opinions of these authorities on whether the conditions can be or are controlled to the extent that personal hazard to the individual employee is "practically eliminated" will be a major consideration.

(3) Most adverse working conditions can be avoided by providing adequate protection to remove physical and health hazards. Such protection, however, may not be technically feasible, may require considerable time for engineering controls to be provided, or may create other adverse environmental conditions. In such cases local safety or occupational health authorities will determine the practicality of additional environmental or hazard controls. The findings will serve as a key consideration for determining the requirement for additional payment pending provision of such controls.

(4) Where environmental differential is currently being paid and safety and/or occupational health authority findings have not been obtained, such authorities will be promptly consulted. Results will be documented and the Personnel office will determine whether to continue or discontinue payment.

b. If a HTW predesign, design or construction activity involving eligible hazardous conditions requires the wearing of personal protective equipment (PPE) as described in 29 CFR 1910.120, Appendix B, Part A.I and A.II (reference 1f), then it can be considered that no safety precautions can be taken which will reduce the degree of risk to a negligible level. In such situations, hazard pay should be authorized, provided all other regulatory requirements are met. Hazard pay shall not be granted for a HTW predesign, design or construction activity involving eligible hazardous conditions that requires the wearing of PPE as described in 29 CFR 1910.120, Appendix B, Part A.III (reference 1f), unless a formal site-specific hazard determination has been conducted by the FOA Safety and Occupational Health Office, and that determination clearly demonstrates that the wearing of such PPE will not "practically eliminate" all the potential eligible physical hardships or hazards to be encountered during the conduct of that activity.

c. If the PPE as described in subparagraph 9b are worn at a site of unknown hazard as a precautionary measure only and the situation later turns out to be nonhazardous, as determined by the FOA Safety and Occupational Health Office's hazard evaluation, hazard pay may not be granted.

d. If the PPE as described in 9b are not worn at a site presumed to be nonhazardous, which later turns out to be

31 May 00

hazardous to the extent that such protective equipment should have been worn, and the FOA Safety and Health Office has determined that the wearing of such PPE would not have practically eliminated all the potential physical hardship or hazards, then hazard pay should be granted.

10. a. Implementation of the time, labor and accounting procedures for providing hazard pay to employees meeting eligible conditions shall be IAW provisions of references 1b and 1c.

b. Each servicing personnel office is encouraged to develop local procedures to supplement this USACE guidance, and provide whatever training may be required to implement the hazard pay policy effectively.

c. Explanatory information regarding this policy memorandum is included at Appendix A.

d. An example procedure for the determination and documentation of HTW hazard duty eligible for hazard pay is included at Appendix B. This information can be used in developing local differentiate between time spent exposed to physical hardship or hazardous conditions and time for which hazard pay is granted. (see paragraph 7b(2) above).

e. Policy and responsibilities for requesting a hazard determination to evaluate the physical hardship or hazardous duty exposure conditions and authorizing hazard pay shall be in accordance with the guidance contained in Appendix C.

f. The effective date of this policy is the date of receipt in the local personnel office. Retroactive pay for exposure to hazardous conditions may NOT be granted except in accordance with the provisions of applicable law or regulations, e.g., 5 U.S.C. 5596 or 5 C.F.R. 550.801 et. seq. You should seek the advice of your legal counsel in such cases.

3 Appendices

APP A-Hazard Pay/

Environmental Differential

APP B-Local Procedures

APP C-Auth of Performance
of Hazardous Duty

APPENDIX A
HAZARD PAY/ ENVIRONMENTAL DIFFERENTIAL
EXPLANATORY INFORMATION

INTRODUCTION

This Appendix provides explanatory information about Hazard Pay/Environmental Differentials. The purpose is to help users better understand and apply the concepts of Hazard Pay Environmental Differential and help explain them to employees and supervisors.

ISSUES THAT MAY BE RAISED

Issues that may be raised that require further explanation are discussed below in order of the subject matter of the circular.

1. PURPOSE.

a. Issue. Is the stated purpose appropriate?

b. Response. In order to apply this guidance in the spirit in which it is intended, good judgment must be applied. It is not possible to describe every specific circumstance within the context of the hazard pay universe. Emergency conditions are frequently amorphous and unsettled and just are not susceptible to precise regulatory application. Therefore, the entire situation must be considered when determining whether hazard pay should be granted. Decisions should be rendered considering the philosophy or sense of the Agency and the spirit of the law and regulations governing hazard pay. Technical assistance regarding a hazard determination is available from the FOA safety and occupational health office professionals (designated officials). These designated officials are the individuals responsible for determining if hazardous work conditions exist. The personnel officer is responsible for coordinating supervisory recommendations with the designated official and assuring that the other requirements of law and regulation are met.

2. APPLICABILITY.

a. Issue. Are commissioned officers included in Hazard Pay/Environmental Differentials covered by this policy?

APPENDIX A (Cont.)

b. Response. Hazard Pay/Environmental Differential under 5 U.S. Code 5545 et. seg. does not apply to commissioned officers.

3. NO COMMENTS PROVIDED

4. NO COMMENTS PROVIDED

5. NO COMMENTS PROVIDED

6. CONDITIONS.

a. Issue. Is there provision of sufficient objective criteria to determine hazard pay authorizations?

b. Response. Subchapter S.8-7 and Appendix J of (FPM) Supplement 532-1 and S.9. and Appendices A and E of Book 550 of Federal Personnel Manual Supplement (FPM) 990-2 includes the OPM guidance concerning environmental differential and hazard pay. The appendices provide examples of hazardous duty situations. Most of these examples are sufficient to enable any reasonable person to make hazard pay determinations. Two work situations are identified below that constitute reasonable interpretations as to what can be considered as exposure to toxic materials and other related conditions warranting hazard pay. In addition, the Headquarters, OPM maintains files of approved hazard pay requests and these files contain a large amount of supplemental material that augment the examples described in the Appendices. At our request, the OPM hazard pay expert will research these files to determine if the examples contained therein can reasonably apply to the USACE. Therefore, if a hazardous condition exists for which existing guidance is insufficient to warrant hazard pay, it should be referred to CEHR-E who can then discuss it with the Army Civilian Personnel Office and OPM to obtain a decision. The work situation examples referred to above include:

(1) The storage site contained hundreds of drums of toxic materials with some leakage noted. There was potential for fire and explosion if strong oxidizing materials were to contact organic materials that were both present.

APPENDIX A (Cont)

(2) The warehouse contained 400 drums of organic solvents and acids. Drums were rusty and leaking, improperly stacked, deteriorating at their base, and not segregated to avoid incompatibles next to one another. The building was poorly ventilated and puddles of unknown material were on the floor. A drum of nitric acid was fuming. There was imminent danger of fire or explosion.

7. NO COMMENTS PROVIDED

8. NO COMMENTS PROVIDED

9. SAFETY.

a. Issue. Does paragraph 9c prevent employees from receiving hazard pay for exposure to heat while wearing Level A protective equipment, even if a determination was later made that such equipment was not necessary with regard to the site hazards?

b. Response. Not necessarily? OPM authorizes a 4% hazard pay differential for hot work when an employee is subjected to temperatures in excess of 110 degrees Fahrenheit while working in a confined space. (Wearing Level A protective equipment (fully encapsulated suit) can be reasonably interpreted as "working in a confined space."). A hazard determination would have to be made regarding the temperature inside the suit the employee was wearing to determine if heat exposure was a factor even though environmental monitoring conducted in the work area showed that the levels of contamination did not warrant the wearing of Level A protective equipment.

10. IMPLEMENTATION.

a. Issue. Concerns about training of supervisors, retroactive back pay, records, and the date of implementation will undoubtedly surface.

b. Response. Retroactive back pay issues are especially complex and should be referred to your legal counsel. Advice and assistance is also available from the Office of General Counsel in HQUSACE.

APPENDIX B
LOCAL PROCEDURE
DETERMINATION AND DOCUMENTATION OF HTW HAZARD
DUTY ELIGIBLE FOR HAZARD PAY

1. FOA Safety and Occupational Health Official.

a. In accordance with criteria in Appendix C, FOA Safety and Occupational Health Officials shall conduct a formal site-specific hazard determination, upon request from supervisors, where USACE employees will/have perform(ed) HTW work activities that meet eligible conditions for hazard pay and requires the wearing of level C PPE. Hazard determinations are NOT required for HTW work activities that meet eligible conditions for hazard pay and requires the wearing of level A or B PPE. Such HTW eligible work activities conducted while wearing level A or B PPE in accordance with paragraph 9b of this EC may receive hazard pay.

b. If possible, hazard determinations shall be conducted prior to the performance of the hazard duty. However, at times, this is not possible due to time constraints, scheduling of work, etc; and, therefore, the determination is made following completion of the work activity. A sample checklist, "Safety and Occupational Health Checklist for HTW Site-Specific Hazard Determinations," has been developed to be used as a guide to conduct the formal hazard determination. (See sample format at pages B-3 and B-4.) A similar checklist should be completed by: the responsible FOA Safety and Occupational Health Office official in documenting the site-specific hazard determination. The checklist should document the specific management factors, hazardous conditions and safeguards regarding the hazardous work activity to be performed. Upon completion, the checklist should be signed and dated by the FOA Safety and Occupational Health Office official who conducted the hazard determination (Industrial Hygienist, Safety and Health Manager, Safety Engineer). A copy shall be provided to the supervisor that requested the hazard determination and a copy shall be maintained on file in the FOA Safety and Occupational Health Office.

2. Supervisors.

a. Supervisors shall notify the FOA Safety and Occupational Health Office to request the conduct of a formal hazard evaluation when they have determined that HTW eligible

APPENDIX B (Cont.)

hazardous work conditions exist that will require/required the wearing of level C PPE and the wearing of that PPE will not/did not "practically eliminate" the potential physical hardship(s) or hazard(s) during the performance of that activity. Supervisors are not required to request this formal determination when similar work conditions exist that require the wearing of level A or B PPE.

b. Supervisors shall ensure the documentation of the performance of hazardous duty eligible for hazard pay on a record sheet. (See sample format, Hazardous Duty Record Sheet, at page F-20. A Hazard Duty Record Sheet shall be utilized on all HTW projects to document actual time spent performing eligible hazardous duty (as opposed to the time for which hazard pay is recorded for CS/GM employees on the time card).

c. To complete a Hazard Duty Record Sheet, record the name/date/actual time spent conducting the work activity that required the wearing of the PPE. Under the "PPE" column, indicate the type of respiratory and/or dermal protection used. For example: "Level B: SCBA and Saran Coated Tyvek." Under "Zone Entered," cite area of site entered and/or degree of exclusion (if any). For example: "Sludge Mixing Pits, Exclusion Zone" Under the "Work in Progress" column, describe the activity which produced the requirement for PPE. For example: "Hauling/Stabilizing Acid Sludge."

d. A Hazard Duty Record Sheet shall be retained at all HTW project sites and shall be filled out by all USACE employees who engage in eligible hazardous duty.

e. To document eligible hazard duty time into the CETAL/timekeeping system, employee time shall be transmitted to the timekeeper via whatever local form is utilized. All hazardous duty shall be documented on this form and signed by the supervisor (see references 1b and 1c of memorandum). When recording eligible hazard duty time, it is important to note that, for GS/CM employees, hazard pay is paid for all duty hours in pay status on the calendar day of work, not just those hours during which the actual duty was performed.

f. At Pages F-21 and F-22 is an example of a CETAL time and attendance report which shall be used to document time and

EP 415-1-266
31 May 00

APPENDIX B (Cont.)

attendance (including hazardous duty).

g. At Page F-23 is an example of a CETAL labor cost report which shall be used to document the hours worked on any project including HTW projects. It will require signature verification by the supervisor. This report is used to satisfy cost recovery efforts (Superfund, etc.).

SAMPLE FORMAT
SAFETY AND OCCUPATIONAL HEALTH CHECKLIST
FOR
HTW SITE-SPECIFIC HAZARD DETERMINATIONS

A. BEFORE ACTIVITY PERFORMED:

1. HAZARD LOCATION: SITE _____ CITY _____ STATE _____
2. HTW MISSION ASSIGNMENT: ___ predesign ___ design ___ construction ___
a. Type of activity performed: drilling _____ excavation _____
design investigations _____ safety & health surveys _____ emergency
response actions _____ construction oversight _____ other _____
3. SITE-SPECIFIC SAFETY AND HEALTH PLAN:
a. Available on site: Yes ___ No ___ Not developed
b. Adequate for task(s) to be performed? Yes ___ No ___
4. SUSPECTED OR IDENTIFIED PHYSICAL HARDSHIP(S) OR HAZARD(S):
(A) _____ (B) _____ (C) _____
(D) _____ (E) _____ (F) _____
5. PFE LEVEL REQUIRED TO BE WORN FOR ACTIVITY:
a. Level A _____ Level B _____ Level C _____ Level D _____
b. If Levels A, B or C required, indicate reason in comment section below.
6. IF LEVELS A, B OR C REQUIRED, IDENTIFY PERSON(S) WHO WILL WEAR THIS EQUIPMENT (USE CONTINUATION SHEET IF NECESSARY):

		PAY		HTW TRAINING		MEDICAL	RESPIRATOR
		CATEGORY		COMPLETED		EVAL.	FIT-TEST
NAME	OFFICE SYMBOL	WAGE SYSTEM	CS/GM	INITIAL (40HR)	ANNUAL (8HR)	CURRENT	CURRENT

7. HAZARD DETERMINATION~REQUIRED FOR WORK ACTIVITIES WHERE LEVEL C IS TO BE WORN:
a. Do site-specific eligible hazardous work conditions exist?
Yes _____ No _____
b. If yes, are existing safeguards (SOPs, PPE, Engineering controls adequate to "practically eliminate" the eligible physical hardship(s) or hazard(s)? Yes _____ No _____
c. If no, what additional safeguards are necessary?
-
-

31 May 00

d. Will the existing or additional safeguards "practically eliminate" all the potential hardships or hazards that may be encountered during the performance of the work activity? Yes_____ No _____

(1) If no, explain: _____

B. AFTER ACTIVITY PERFORMED:

1. PROTECTIVE LEVEL USED: (A)_____ (B)_____ (C)_____ (D)_____
- a. If Level A, B or C was used, provide reason in comment section.
- b. Upon hazard evaluation (air monitoring, etc.) of actual site conditions during use, should Levels A, B or C protective equipment have been required? Yes_____ No _____
- c. If Level A, B or C protection was not required initially, and a lower level of protection was worn (Level D or general work clothing), should Level A, B or C have been used based on the hazard evaluation of site conditions during the performance of the work? Yes_____ No _____

2. LIST IDENTIFIED PHYSICAL HARSHIPS OR HAZARDS:

(A)_____ (B)_____ (C)_____

(D)_____ (E)_____ (F)_____

3. Equipment: (a) Clothing (b) Respirator (c) Monitoring
Decontamination

Disposed:

Cleaned:

No Action:

4. APPROXIMATE TIME SPENT IN LEVEL A, B OR C PROTECTION:
Information provided on local hazardous duty record sheet. Obtain from supervisor.

5. WAS MEDICAL ATTENTION/EXAMINATION REQUIRED FOLLOWING WORK
ACTIVITY? Yes_____ No_____

HAZARD DETERMINATION PREPARED BY FOA SAFETY AND OCCUPATIONAL HEALTH OFFICE:
Industrial Hygienist _____ Safety & Health Mgr_____ Safety Engineer

NAME OF PREPARER _____ DATE _____

COMMENTS: _____

SAMPLE FORMAT

HAZARDOUS DUTY RECORD SHEET

FOA NAME _____ OFFICE SYMBOL _____
PROJECT NAME _____ LOCATION _____
CONTRACT NUMBER _____ IN-HOUSE _____
WORK ACTIVITY: Predesign _____ Design _____ Construction _____ Other _____
Superfund _____ DERP _____ Other _____
Corps Lead _____ IRP _____
State Lead _____ FUDs _____
PRP Lead _____

[illegible]

EP 415-1-266
31 May 00

PROGRAM-ID-P5FATE
RCS-EXEMPT
PCN YFA-01R

DATE 09/23/87
TIME 13:42:39

COEMIS ENTRY OF TIME, ATTENDANCE AND LABOR (CETAL)
EMPLOYEE TIME AND ATTENDANCE

**FOR OFFICIAL USE ONLY - PRIVACY ACT DATA **

ORGANIZATION TITLE: CIVILIAN PAYROLL BRANCH

TIMEKEEPER 11 NAME SSN: 123-45-6789
PAY-BLK PAY-LOC-CODE 06F0 FLSA: N TIME/ATTENDANCE THRU 09/26/87

DATE	DAY	HOURS	TYPE	S	HOURS	TYPE	S	HOURS	TYPE	S
09/14	MON	8.00	REG	1						
09/15	TUE	7.50	REG	1	0.50	ALV	1			
09/16	WED	8.00	REG	1						
09/17	THU	8.00	REG	1						
09/18	FRI	8.00	REG	1						
09/21	MON	8.00	ALV	1						
09/22	TUE	8.00	ALV	1						
09/23	WED	8.00	REG	1						
09/24	THU	8.00	REG	1						
09/25	FRI	8.00	REG	1						

REGULAR = 63.50 OVERTIME = 0.00 P-LEAVE = 16.50 NP-LEAVE = 0.00
TOTAL HOURS = 80.00 NDF HOURS = 0.00

SUPERVISOR'S SIGNATURE: _____

** ALL HOURS HAVE BEEN REVIEWED AND ARE CERTIFIED CORRECT
AS OF THE END OF THE REPORTING PERIOD. ALL PREMIUM HOURS
HAVE BEEN APPROVED AND WORKED ACCORDING TO THE APPROPRIATE
LAWS AND REGULATIONS.

REMARKS:

09/14/87 "REQ TOD: 0700-1530 "
09/14/87 "ENG 4704 ON FILE "
09/15/87 "SF 71 ON FILE "
09/15/87 ".50 ALV 0830-0900 "
09/21/87 "SF 71 ON FILE "
09/22/87 "SF 71 ON FILE "

EP 415-1-266
31 May 00

COEMIS ENTRY OF TIME, ATTENDANCE AND LABOR (CETAL)
SUPERVISOR'S CERTIFICATION PAGE

FOR

CERTIFIED LABOR REPORTS

LABOR-COST FROM: 07/19/87
TIMEKEEPER NO. 1
EMPLOYEE COUNT 03

LABOR-COST TO: 08/01/87

THE FOLLOWING EMPLOYEES LABOR-COST REPORTS ARE CERTIFIED AS CORRECT:

EMPLOYEE 1
EMPLOYEE 2
EMPLOYEE 3

SUPERVISOR'S SIGNATURE

=====

T= HAZARD DUTY COLUMN

EP 415-1-266
31 May 00

PROGRAM-ID P5FATJ
RCS - EXEMPT
PCN YFA-02R

VERSION 87166

DATE 07/28/87
TIME 09:42:57
PAGE 1

COEMIS ENTRY OF TIME, ATTENDANCE AND LABOR (CETAL)
CERTIFIED LABOR COST REPORT
** FOR OFFICIAL USE ONLY - PRIVACY ACT DATA **

ORGANIZATION TITLE: F&A CONTROL SECTION
TIMEKEEPER: 11 NAME: EMPLOYEE 1 SSN: 315-48-5626
PAY-BLK: C2E PAY-LOC-CODE: 06D3 FLSA: E LABOR COST THRU: 08/01/87

ADP WORKCODE
VW550200002000000
VW550200002000000
VW550200002000000

REGULAR = 77 OVERTIME = 2 P-LEAVE= 3 NP-LEAVE = SP-RATE-HR S=
TOTAL 40 HOURS=82

ORGANIZATION TITLE: F & A CONTROL SECTION
TIMEKEEPER: 1 NAME: EMPLOYEE 2 SSN:478-86-6905
PAY-BLK: C2E PAY-LOC-CODE: 06D3 FLSA: N LABOR COST THRU: 08/01/87

ADP WORKCODE
VW5502000020000
VW5502000020000
VW5502000020000

REGULAR = 56 OVERTIME = 8 P-LEAVE = NE-LEAVE = 24 SP-RATE-HRS=
TOTAL HOURS = 88

ORGANIZATION TITLE: F & A CONTROL SECTION
TIMEKEEPER: 11 NAME: EMPLOYEE 3 SSN:504-60-5427
PAY-BLK: C2E PAY-LOC-CODE: 06D3 FLSA: N LABOR COST THRU: 08/01/87

ADP WORKCODE
VW5502000020000

REGULAR = 80 OVERTIME = P-LEAVE = NE-LEAVE = SP-RATE-HRS=
TOTAL HOURS = 80 T = HAZARD DUTY COLUMN

APPENDIX C
AUTHORIZATION OF PERFORMANCE OF HAZARDOUS DUTY

1. PURPOSE. This Appendix defines hazardous duty and sets forth USACE policy and management responsibility for identification and authorization of hazardous work performed by Agency personnel.

2. BACKGROUND. The Army and USACE Occupational Safety and Health requirement documents set forth policies, responsibilities, and procedures for implementation of the Agency's health and safety program. The purpose of the program is to assure safe and healthful working conditions for all USACE employees under Section 19(a) of P.L. 91-56, Occupational Safety and Health Act of 1970 and 5 U.S.C. 7902(c) (1), Executive Order 12196 and other Federal, DOD, DA and USACE requirements. For work, which involves identifiable potential hazards, USACE management provides safety and occupational health, environmental and procedural controls necessary to protect employees from harmful or unsafe working conditions. Infrequently, it may be necessary to consider the performance of essential work which is hazardous and for which the provision of adequate safeguards is not practicable.

3. DEFINITION. Hazardous duty is the performance of assigned, essential work on an intermittent or irregular basis which involves an occupational health and/or safety hazard for which a determination has been made that the provision of safeguards adequate to reduce the hazard to a negligible level is not practicable.

4. POLICY. It is USACE policy to:

a. Provide adequate Safeguards against potential hazards for USACE employees in the work place;

b. Provide that hazardous work which is not adequately safeguarded is identified and that appropriate action is subsequently taken; and

c. Permit the performance of hazardous duty by USACE employees only after:

(1) The duty to be performed has been identified as hazardous;

APPENDIX C (Cont.)

(2) It has been determined that the provision of adequate safeguards is impracticable;

(3) It has been determined that the hazardous duty is essential; and

(4) The employee or employees who are to perform the hazardous work are fully informed in advance regarding the potential hazards of the work.

This policy is not intended to foster or approve the frequent, regular, or recurring performance of hazardous duty by any USACE employee.

5. RESPONSIBILITIES.

a. Supervisors. Supervisors at all levels are responsible for:

(1) Identifying potentially hazardous work for which safeguards may be inadequate;

(2) Notifying the FOA Safety and Occupational Health (SOH) Manager or person designated for such purpose by SOH Manager; and

(3) Notifying the servicing personnel office when an employee has performed or will perform hazardous duty in accordance with procedures outlined in this circular.

b. FOA Safety and Occupational Health Managers. FOA Safety and Occupational Health Managers or persons designated for such purpose is responsible for:

(1) Determining if a site-specific eligible hazardous work condition exists;

(2) Determining whether existing safeguards are adequate;
or

(3) Determining what additional safeguards are necessary;
and

(4) Determining whether the existing or additional

APPENDIX C (Cont.)

safeguards will practically eliminate the physical hardship or hazard to be encountered in the performance of the work.

c. FOA Commanders and Laboratory Commanders/Directors.
FOA Commanders and Laboratory Commanders/Directors or their designees are responsible for:

- (1) Installing or implementing the necessary safeguards;
- (2) Determining that the hazardous work to be performed is essential in the event that adequate safeguards are impracticable;
- (3) Authorizing the performance of hazardous duty and hazard pay; and
- (4) Assuring that the employees who are to perform the work are fully informed regarding its potential hazards and are willing to accept them.

EP 415-1-266
31 May 00



DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECI-IR/CEMP-R (25-400-2d)

10 Aug 99

**MEMORANDUM FOR Commanders, Major Subordinate Commands, Staff Principles and
HQUSACE**

SUBJECT: Environmental Classification Standards

1. Reference CEIM-IR/CEMP-R memorandum, dated 11 February 1998, subject: Continued Moratorium on Destruction of Environmental Restoration Records.
2. This memorandum lifts the moratorium on destruction of environmental restoration records as referenced in paragraph 1. The National Archives and Records Administration (NARA) has approved the environmental restoration Modern Army Recordkeeping System (MARKS) standards.
3. Action is being taken by Department of the Army to incorporate these standards into MARKS. In the interim, it is critical that the records relating to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) environmental actions reflect these new MARKS disposition standards. Enclosure 1 contains an executive summary of the MARKS file numbers affected by this change. Enclosure 2 contains the detailed technical recordkeeping requirements.
4. The HQUSACE technical point of contact is Ms Nancy Porter at (202) 761-5245. The recordkeeping point of contact is Ms Dianne Barnes at (202) 761-5021.

FOR THE COMMANDER:

/s/

2 Enclosures
as

RUSSELL L. FUHRMAN
Major General, USA
Chief of Staff

5 Management

File Category	<u>New Dispositions</u>
5c USACE Environmental Restoration Agreements	Originals - Permanent Copies – Destroy after 3 years

37 Financial Administration

File Category	<u>New Dispositions</u>
37-1f Accounting Documents	HTRW – 30 years
37-2-1b COEMIS, F&A Site Audit Outputs	HTRW – 30 years
37-2-10d Basis and Intermediate Cost Media Files	HTRW – 30 years
37-2-10r Civil Works Site Audits	HTRW – 30 years
37-2-10s Disbursing Officers Vouchers (CW)	HTRW – 30 years
37-2-10u Fiscal Accounting Files	HTRW – 30 years
37-103dd Original Disbursing Officers Accounts (Mil)	HTRW – 30 years

NOTE: EPA Superfund Only - Must obtain authorization from EPA before destruction of documents.

200 Environmental Quality

File Category	<u>New Dispositions</u>
200-1d Environmental Restoration Remedial Assessment Files	Permanent
200-1e Army Environmental Restoration Administration Record	Permanent
200-1f Environmental Restoration Project Files	Permanent

EP 415-1-266
31 May 00

385 Safety

File Category	<u>New Dispositions</u>
385-10f Accident and Incident Cases	HTRW – 50 Years (Field) HTRW – 30 Years (HQ)

405 Real Estate

File Category	New Disposition
405-90h Real Property Title/Historical Files	No Time Event - permanent

415 Construction Contracts (Military)

File Category	<u>New Disposition</u>
415-10c Military Construction Contracts	HTRW – 30 years

715 Procurement Contracts

File Category	<u>New Dispositions</u>
715c Master, Open-end, and Call-type Contracts	HTRW – 30 years
715j Small Purchase Categories	HTRW – 30 years
715k Contract Actions	HTRW – 30 years
715p Contract Clause Deviations	HTRW – 30 years

Note: EPA Superfund Only - Must obtain authorization from EPA before destruction of documents.

1110 Corps of Engineers Engineering and Design Files

File Category	<u>New Dispositions</u>
1110-1-8100e Environmental Restoration – Raw Data Files	Destroy samples after 1 year or when regulatory requirements are met. Laboratory backup analytical data, destroy after 2 years
1110-1-8100f Environmental Restoration Quality Assurance and Quality Control (QA/QC) Files	Permanent
1110-1-8100g Environmental Restoration Waste Identification, Tracking, and Disposal Files	Permanent

1180 Corps of Engineers Contracts

File Category	New Dispositions
1180-1-1a Civil Works Contracts	HTRW – 30 years
1180-1-1q Civil Works Construction and Maintenance Contracts	HTRW – 30 years

Note: EPA Superfund Only - Must obtain authorization from EPA before destruction of documents.

ENVIRONMENTAL RESTORATION FILE CATEGORY
(AR 25-400-2, 26 February 1993, The Modern Army Recordkeeping Systems (MARKS))

File Category 5 – Agreements

Pertinent Background Information

This is a new classification description and disposition standard for **File Category 5 - Agreements** relating to environmental restoration clean-up actions. These records are necessary for litigation and possible cost recovery actions. In order to follow the retention period of the Environmental Protection Agency (EPA) classification standard and for the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), a permanent disposition is the proposed retention period. Included in this classification standard are agreements for Superfund, Defense Environmental Restoration Program (DERP) and DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, Work for Others, and Operational and Maintenance.

File Number: 5c (or next available suffix) (MARKS Page #33)

Title: Environmental Restoration Agreements

Authority: To be assigned

Privacy Act: Not Applicable

ADD NEW RECORD CATEGORY AND DISPOSITION STANDARD:

Description: Includes the original life cycle documentation establishing agreements for environmental restoration work through financial and contractual closeout. Specific types of agreements may include national agreements, interagency agreements, cooperative agreements with Federal, State and local government agencies, access agreements, implementation agreements, technical assistance agreements and other types of environmental restoration agreements, agreement oversight documentation, and other sharing of agency resources and services. Other types of records include documentation of significant actions and decisions, applications, agreement oversight activities, correspondence relating to the agreement, non-compliance/dispute documentation, and closeouts documentation for completed agreements.

Disposition:

- a. Original Agreement Documents: Permanent.
- b. Copies: Retain in CFA 3 years after project completion and destroy.

File Category 37: FINANCIAL ADMINISTRATION

Pertinent Background Information

These are updated classification standards for the **File Category: 37 Financial Administration**. The current descriptions, authorities, and Privacy Act standards remain the same. Additional descriptions and disposition standards are being proposed to cover the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), to cover Superfund cost recovery actions, and provides descriptions and disposition instructions for environmental restoration appropriations involving either Civil Works; Air Force; Department of Defense; and Non-Department of Defense. Programs include records generated in support of the Defense Environmental Restoration Program (DERP), and DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, and all other Support Work for Others.

File Number: 37-1f (MARKS Page #79)

Title: Accounting Documents

Authority: NC1-AU-86-55

Privacy Act: Not Applicable.

ADD NEW DISPOSITION INSTRUCTIONS: l and m:

l. File documents supporting USACE mission which are not environmental restoration in nature; Retain in CFA 2 years, Retire FRC, and Destroy 6 years 3 months after end of Fiscal Year in which payment or collection is effected, providing there are no outstanding claims; exceptions; or pending litigation in connection therewith.

m. HQUSACE environmental restoration mission related records; retain in CFA 2 years Retire FRC; Destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith.

File Number: 37-2-1b (MARKS Page #82)

Title: COEMIS, F&A Site Audit Outputs

Authority: NC1-AU-76-25 & GRS 6, Item 1a

Privacy Act: Not Applicable

**ADD NEW RECORDS DESCRIPTIONS AND DISPOSITION INSTRUCTIONS:
c through e:**

c. Description: USACE accounts and supporting documents generated in support of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) recovery actions for the U.S. Environmental Protection Agency's (EPA), Superfund Program will be reviewed for financial closeout per ER 37-5-3 for site-specific cost recovery documentation prior to transferring from the current file are (CFA). EPA Superfund Cost Recovery documents may not be destroyed unless authorized by EPA. This category is not applicable to records generated after February 1998. The USACE was fully deployed on CEFMS after February 1998.

c. Disposition: Retain in CFA 2 years after financial closeout per ER 37-5-3. Transfer to RHA for 5 years, Retire to FRC: Destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Cost Recovery (NA Form 13001) Request for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

d. Description: Documents generated in support of Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program and other non-superfund environmental restoration programs.

d. Disposition: Retain in CFA 2 years after final billing and transfer to RHA 5 years and retire FRC: Destroy 30 years after end of Fiscal Year in which payment or collection is effected, providing there are no outstanding claims; exceptions; or pending litigation in connection therewith.

e. Description: HQUSACE environmental restoration mission related records for Superfund, Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program and all other Support Work for Others.

e. Disposition: Retain in CFA 2 years after final billing and Retire FRC: Destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith.

File Number: 37-2-10d (MARKS Page #83)

Title: Basic and Intermediate Cost Media Files

Authority: GRS 22, Item 1b and GRS 23, Item 5

Privacy Act: Not Applicable

ADD NEW RECORDS DESCRIPTION AND DISPOSITION INSTRUCTIONS:

b through d:

b. Description: USACE accounts and supporting documents generated in support of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) recovery actions for the U.S. Environmental Protection Agency's Superfund Program will be reviewed for financial closeout per ER 37-5-3 for site-specific cost recovery documentation prior to transferring from the current file area (CFA). EPA Superfund Cost Recovery documents may not be destroyed unless authorized by EPA. May also, include documents in support of the Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, Work for Others, and Operational and Maintenance.

b. Disposition: Retain in CFA 2 years after financial closeout per ER 37-5-3. Transfer to RHA for 5 years. Retire to FRC, destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Cost Recovery (NA Form 13001) Request for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

c. Description: Documents generated in support of Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program and other non-superfund environmental restoration programs.

c. Disposition: Retain in CFA 2 years after final billing and destroy 6 years and 3 months after end of Fiscal Year in which payment or collection is effected, providing there are no outstanding claims; exceptions; or pending litigation in connection therewith.

d. Description: HQUSACE environmental restoration mission related records for Superfund, Defense Environmental Restoration Program (DERP) and DOD Base Realignment and Closure (BRAC) Environmental Restoration Program related records.

d. Disposition: Retain in CFA 2 years after final billing and retire to FRC, destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith.

File Number: 37-2-10r (MARKS Page #84)

Title: Civil Works Site Audits

EP 415-1-266
31 May 00

Authority: NC1-AU-76-39

Privacy Act: Not Applicable

ADD NEW RECORDS DESCRIPTION AND DISPOSITION INSTRUCTIONS:

c through e:

c. Description: USACE accounts and supporting documents generated in support of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) recovery actions for the U.S. Environmental Protection Agency's Superfund Program will be reviewed for financial closeout per ER 37-5-3 for site-specific cost recovery documentation prior to transfer from the current file area (CFA). EPA Superfund Cost Recovery documents may not be destroyed unless authorized by EPA.

c. Disposition: Retain in CFA 2 years after financial closeout per ER 37-5-3. Transfer to RHA for 5 years. Retire to FRC, destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Cost Recovery (NA Form 13001) Request for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

d. Description: Documents generated in support of Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program and other non-superfund environmental restoration programs.

d. Disposition: Retain in CFA 2 years after final billing; Destroy 30 years after end of Fiscal Year in which payment or collection is effected, providing there are no outstanding claims; exceptions; or pending litigation in connection therewith.

e. Description: HQUSACE environmental restoration mission related records for Superfund, Defense Environmental Restoration Program (DERP) and DOD Base Realignment and Closure (BRAC) Environmental Restoration Program and all other Support Work for Others.

e. Disposition: Retain in CFA 2 years after final billing and retire to FRC; Destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith.

File Number: 37-2-10s (MARKS Page #84)

Title: Disbursing Officer's Vouchers

Authority: GRS 6, Item 1a

Privacy Act: Not Applicable

ADD NEW RECORDS DESCRIPTION AND DISPOSITION INSTRUCTIONS: b through d:

b. Description: USACE accounts and supporting documents generated in support of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), which may include the Defense Environmental Restoration Program (DERP) and DOD Base Realignment and Closure (BRAC) Environmental Restoration Program. Recovery actions for the U.S. Environmental Protection Agency's Superfund Program will be reviewed for financial closeout per ER 37-5-3 for site-specific cost recovery documentation prior to transferring from the current file area (CFA). EPA Superfund Cost Recovery documents may not be destroyed unless authorized by EPA.

b. Disposition: Retain in CFA 2 years after financial closeout per ER 37-5-3. Transfer to RHA for 5 years then retire to FRC: Destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Cost Recovery (NA Form 13001) Request for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

c. Description: Documents generated in support of Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program and other non-superfund environmental restoration programs.

c. Disposition: Retain in CFA 2 years final billing: Destroy 30 years after end of Fiscal year in which payment or collection is effected, providing there are no outstanding claims; exceptions; or pending litigation in connection therewith.

d. Description: HQUSACE environmental restoration mission related records for Superfund, Defense Environmental Restoration Program (DERP) and DOD Base Realignment and Closure (BRAC) Environmental Restoration Program and all other Support Work for Others.

d. Disposition: Retain in CFA 2 years after final billing then retire to FRC: Destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith.

File Number: 37-2-10u (MARKS Page #84)

Title: Fiscal accounting files

Authority: GRS 7, Item 2

Privacy Act: Not Applicable

ADD NEW RECORDS DESCRIPTION AND DISPOSITION INSTRUCTIONS: b through d:

b. Description: USACE accounts and support documents generated in support of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) recovery actions for the U.S. Environmental Protection Agency's Superfund Program will be reviewed for financial closeout per ER 37-5-3 for site-specific cost recovery documentation prior to transfer from the current file area (CFA). EPA Superfund Cost Recovery documents may not be destroyed unless authorized by EPA.

b. Disposition: Retain in CFA 2 years after financial closeout per ER 37-5-3. Transfer to RHA for 5 years then retire to FRC: Destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Cost Recovery (NA Form 13001) Request for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

c. Description: Documents generated in support of Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program and other non-superfund environmental restoration programs.

c. Disposition: Retain in CFA 2 years after final billing: Destroy 30 years after end of Fiscal Year in which payment or collection is effected, providing there are no outstanding claims; exceptions; or pending litigation in connection therewith.

d. Description: HQUSACE environmental restoration mission related records for Superfund, Defense Environmental Restoration Program (DERP) and DOD Base Realignment and Closure (BRAC) Environmental Restoration Program and all others Support Work for Others.

d. Disposition: Retain in CFA 2 years after final billing then retire to FRC: Destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith.

File Number: 37-103dd (MARKS Page #89)

Title: Original Disbursing Officer Accounts

Authority: GRS 2, Item 1; GRS 6, Item 1a, and NC1-AU-84-42

Privacy Act: A0037-104-1bSAFM

ADD NEW RECORDS DESCRIPTION AND DISPOSITION INSTRUCTION c:

c. Description: Documents generated in support of Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program and other military environmental restoration programs.

c. Disposition: USACE retain in CFA 2 years after final billing. Transfer RHA 5 years then retire to FRC: Destroy 30 years after end of Fiscal Year in which payment or collection is effected, providing there are no outstanding claims; exceptions; or pending litigation in connection therewith.

File Category 200: Environmental Quality

Pertinent Background Information

These are new classification standards for the file category **200 Environmental Quality**. The authority will be assigned by the National Archives and Records Administration (NARA), and the Privacy Act does not pertain. A permanent disposition standard is being proposed to address the preservation of environmental restoration records necessary to protect the legal and financial interests of the Federal Government.

Proposed File Number: 200-1d (MARKS Page #181)

Title: Environmental Restoration Remedial Assessment Files

Authority: To be assigned.

Privacy Act: Not Applicable.

Description: Example of records are correspondence, memorandums, quality assurance project plans (QAPPs), endangerment assessment, risk assessment, health and safety plans, potentially responsible party (PRP) searches and investigations, projects management plans (PMP), pre-remedial reports, remedial investigation (RI) reports, feasibility study (FS) reports, proposed plans for selected remedial action, and applicable or relevant and appropriate requirements (ARARs), congressional inquiries, community relation plans and other public awareness records.

Disposition:
Permanent.

Proposed File Number: 200-1e (MARKS Page #181)

Title: Army Environmental Restoration Administrative Record

Authority: To be assigned

Privacy Act: Not Applicable

Description: The Administrative Record is a subset of the remedial assessment file compiled

made available to the public as the basis for selected Defense Environmental Restoration

Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, and Work for Others response actions. Example of records include: site discovery documentation, health and endangerment assessments, action memoranda, administrative orders, consent orders, applicable or relevant and appropriate requirements (ARAR), the preliminary assessment, site inspection, site investigation, the remedial investigation reports, feasibility study, community relations plans, correspondence, fact sheets, news clippings, work plans, natural resource trustee information, site reports, the proposed and approved remedial action, potentially responsible party (PRP) letters, PRP steering committee documents, letters, the Record of Decision (ROD) and ROD briefing documents, technical assistance documentation, technical issue papers, technical assistance grants, natural resources trustee release, trustee notification form and selection guide, public meeting transcripts, public comments on the development of the administrative Record, and an index of the record.

Disposition: Permanent.

Proposed File Number: 200-1f (Page 180)

Title: Environmental Restoration Project Files

Authority: To be Assigned

Privacy Act: Not Applicable

Description: Documents and videotapes created in connection with the investigation, planning, design, remedial actions, technical assistance operations, and maintenance of projects associated with environmental restoration of sites contaminated. These environmental restoration actions may include Civil Works sites; and sites designated by the Environmental Protection Agency (EPA), or sites designated by other agencies, assigned to Army; Air Force; Department of Defense; Non-Department of Defense; active military installations; DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, Defense Environmental Restoration Program (DERP). Included are program and project management documents, as well as documents associated with the administrative record, remedial design, remedial action and

EP 415-1-266
31 May 00

closeout, operations and maintenance, and other related documents.

Disposition: Permanent.

File Category 385: SAFETY

Pertinent Background Information

This is an updated classification standard for the file category **385: Safety**. The description, authority and Privacy Act standards remain the same. Based on possible litigation, a permanent disposition standard is being proposed to address recordable accidents and incidents reports relating to environmental restoration work performed for Superfund, Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program and other environmental restoration program accidents or incidents. The current MARKS regulation rescinded file number 385-40b, Accidents and Incidents Cases. The proposal recommends file number 385-40b be reinstated because the responsibilities are better defined in this regulation. Recommend File Number 385-10f be disestablished and the updated description and disposition standards as discussed below be moved to FN 385-40b. Recommend the time event disposition identified as 385-10f b, "OCE records created prior to 1 Jan 82: Destroy after 30 years" be changed from a time event disposition standard to a straight 30 year file to read as described in b below. A new disposition standard for environmental restoration is being added at paragraph d below.

ADD NEW DESCRIPTION AND DISPOSITION b through d:

File: 385-10f (MARKS Page #226)

Title: Accident and Incident Cases

Authority: NC1-AU-82-8

Privacy Act: A385-10/400SA

Description: Information relating to individual accidents and incidents. Included are reports of accidents and incidents and investigation thereof, involving Army missile systems, Army and non-Army motor vehicles, Army marine equipment, fires, explosives, and damage to Army property; harmful chemical, biological, radiological, **environmental restoration clean-up and accidents**; occupational injuries, illnesses, or death of military, Army civilian employees, or contractor personnel, injury or illness to non-Army personnel or damage to non-Army property as a result of Army operation, artillery **misfires** or accidents, and similar information.

Disposition:

- a. No change.**
- b. Change to read: USACE retain in CFA and destroy after 30 years.**
- c. No change.**
- d. Environmental restoration reports, retain in CFA 5 years, transfer RHA 5 years, 50 years.**

File Category 405: Real Estate

Pertinent Background Information

This is a major change to the classification standard for the file category **405: Real Estate**. The description for 405-90h has been significantly changed. The Privacy Act standard remains the same. The proposed disposition standard is permanent rather than the current time event disposition standard. We are proposing this new disposition standard because of potential environmental liabilities relating to real property transactions.

File Number: 405-90h (MARKS Page # 233)

Title: Real Property Title/Historical Files

Authority: NC1AU-83-5 and GRS 4

Privacy Act: Not Applicable

Description: Information documenting the condition of title and the life cycle of the acquisition, management, and disposal of real property. The acquisition documents include directives, real estate planning reports, title evidence, deeds and judgments; disposal documents include deeds, grants and papers relating to transfer, assignment or relinquishment; documents relating to the extent of Federal jurisdiction; documents of permanent value relating to relocations; general correspondence and miscellaneous environmental restoration documents including those relating to claims; final project maps, and documents relating to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Superfund, Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, or other remediation program documents which may substantiate potential environmental claims or liabilities resulting from the acquisition, use or occupancy of real property or interests in real property; and similar materials.

Disposition:

- a. U.S. Army Corps of Engineers Division and Districts having operational real estate responsibilities: Offer all records and indexes to NARA 10 years after unconditional disposal of property, Permanent.
- b. Other Offices: Destroy copies when no longer needed for current business.

File Category 415: Construction

Pertinent Background Information

These are updated classification standards for the file category 415 Construction. The description, authority, and Privacy Act standard remain the same. A 30 year disposition standard is being proposed when the contract relates to Environmental Restoration cleanup actions.

File Number: 415-10c (MARKS Page #233)

Title: Military Construction Contracts

Authority: NC-AU-75-19

Privacy Act: Not Applicable

Add new Description e, f and Disposition Standard c, d:

e. Description: Military contracts relating to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Superfund, Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, Work for Others, and Operational and Maintenance. USACE contracts and supporting documents generated in support of the Environmental Protection Agency (EPA), Superfund Program, may not be destroyed unless authorized by EPA IAW EPA Managers Financial Guide.

c. Disposition: Retain in CFA 2 year after closeout of the contract in which final payment is effected. Transfer to RHA for 5 years. Retire to FRC, Destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Contract (NA Form 13001) Request for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

f. Description: HQUSACE environmental restoration mission correspondence relating to contract records. USACE contracts and supporting documents generated in support of the Environmental Protection Agency (EPA), Superfund Program, may not be destroyed unless authorized by EPA IAW EPA Managers Financial Guide.

d. Disposition: Retain in CFA 2 years and retire FRC, destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Contract (NA Form 13001) Requests for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

File Category 715: Procurement Contracts

Pertinent Background Information

These are updated classification standards for the file category 715 Procurement Contracts. The description, authority, and Privacy Act standards remain the same. A 30 year disposition standard is being proposed when the contracts relates to Environmental Restoration cleanup actions.

File Number: 715c (MARKS Page #294)

Title: Master, Open-End, and Call-Type Contracts

Authority: NC-64-75-4

Privacy Act: Not Applicable

ADD NEW DESCRIPTION b, c and DISPOSITION c, d:

b. Description: Records relating to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Superfund, Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, Work for Others, and Operational and Maintenance. USACE contracts and supporting documents generated in support of the Environmental Protection Agency (EPA), Superfund Program, may not be destroyed unless authorized by EPA IAW EPA Managers Financial Guide.

c. Disposition: Retain in CFA 2 years after closeout of the contract in which final payment is effected. Transfer to RHA for 5 years. Retire to FRC, and destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Contract (NA Form 13001) Requests for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

c. Description: HQUSACE environmental restoration contract correspondence records. USACE contracts and supporting documents generated in support of the Environmental Protection Agency (EPA), Superfund Program, may not be destroyed unless authorized by EPA IAW EPA Managers Financial Guide.

d. Disposition: Retain in CFA 2 years and retire FRC, destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Contract (NA Form 13001) Requests for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

File Number: 715j (MARKS Page #295)

Title: Small Purchase Categories

Authority: NC1-330-78-13

Privacy Act: Not Applicable

ADD NEW DESCRIPTION AND DISPOSITION b & c:

b. Description: Records relating to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Superfund, Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, Work for Others, and Operational and Maintenance. USACE contracts and supporting documents generated in support of the Environmental Protection Agency (EPA), Superfund Program, may not be destroyed unless authorized by EPA IAW EPA Managers Financial Guide.

b. Disposition: Retain in CFA 1 year after closeout of the contract in which final payment is effected. Retire to FRC, destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Contract (NA Form 13001) Request for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

c. Description: HQUSACE environmental restoration contract correspondence records. USACE contracts and supporting documents generated in support of the Environmental Protection Agency (EPA), Superfund Program, may not be destroyed unless authorized by EPA IAW EPA Managers Financial Guide.

c. Disposition: Retain in CFA 2 years and retire FRC, destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Contract (NA Form 13001) Requests for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

File Number: 715k (MARKS Page #295)

Title: Contract Actions

Authority: NC-217-75-8

Privacy Act: Not Applicable

ADD NEW DESCRIPTION b, c, and DISPOSITION c, d:

31 May 00

b. Description: Records relating to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Superfund, Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, Work for Others, and Operational and Maintenance. USACE contracts and supporting documents generated in support of the Environmental Protection Agency (EPA), Superfund Program, may not be destroyed unless authorized by EPA IAW EPA Managers Financial Guide.

c. Disposition: Retain in CFA 1 year after closeout of the contract in which final payment is effective. Retire to FRC, destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Contract (NA Form 13001) Requests for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

c. Description: HQUSACE environmental restoration contract correspondence records. USACE contracts and supporting documents generated in support of the Environmental Protection Agency (EPA), Superfund Program, may not be destroyed unless authorized by EPA IAW EPA Managers Financial Guide.

d. Disposition: Retain in CFA 2 years and retire FRC, destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Contract (NA Form 13001) Requests for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

File Number: 715p (MARKS Page #295)

Title: Contract Clause Deviations

Authority: NC1-AU-80-45

Privacy Act: Not Applicable

ADD NEW DESCRIPTION b & c AND DISPOSITION b & c:

b. Description: Records relating to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Superfund, Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, Work for Others, and Operational and Maintenance. USACE contracts and supporting documents generated in support of the Environmental Protection Agency (EPA), Superfund Program, may not be destroyed unless authorized by EPA IAW EPA Managers Financial Guide.

b. Disposition: Retain in CFA 1 year after closeout of the contract in which final payment is effected. Retire to FRC, destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Contract (NA Form 13001) Request for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

c. Description: HQUSACE environmental restoration contract correspondence records: USACE contracts and supporting documents generated in support of the Environmental Protection Agency (EPA), Superfund Program, may not be destroyed unless authorized by EPA IAW EPA Managers Financial Guide.

c. Disposition: Retain in CFA 2 years and retire FRC, destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Contract (NA Form 13001) Requests for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

File Category 1110: Corps of Engineers, Engineering and Design

Pertinent Background Information

These are new classification standards for the file category 1110: Corps of Engineers, Engineering and Design.

File Number: 1110-1-8100e (Page #317)

Title: Environmental Restoration - Raw Data Files

Authority: To be assigned

Privacy Act: Not Applicable

Description: Records relate to chemical analysis services performed to support the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), for Superfund, Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, Work for Others, and Operations and Maintenance. Examples of documentation include: QA/QC laboratory Chemical Quality Assurance reports. Chemical Data Quality Assessment reports, raw data inventory forms, field sheets, chain of custody documents, data worksheets, analyst logbooks, sample logbooks, correspondence, and QA/QC data logs.

Disposition:

EP 415-1-266
31 May 00

- a. Dispose of all raw test samples within 90 days after regulatory holding times, but not to exceed 1 year, whichever is sooner.
- b. Raw test data reports shall be retained for 2 years from date of generation.

File Number: 1110-1-8100f (Page #317)

Title: Environmental Restoration Quality Assurance and Quality Control (QA/QC) Files

Authority: To be assigned.

Privacy Act: Not Applicable

Add New Description and Disposition Standards:

Description: Records relate to chemical analysis QA/QC final reports supporting the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), for Superfund, Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, Work for Others, and Operations and Maintenance. Examples of documentation include: QA/QC laboratory Chemical Quality Assurance reports, Chemical Data Quality Assessment reports, raw data inventory forms, field sheets, chain of custody documents, data worksheets, analyst logbooks, sample logbooks, correspondence, QA/QC data logs, and independent data validation reports (if generated).

Disposition:

- a. Permanent.
- b. Cutoff logbooks on completion of project: Destroy after 30 years if listed on the National Priorities List; all others will be destroyed after 5 years.

File Number: 1110-1-8100g

Title: Environmental Restoration Waste Identification, Tracking, and Disposal Files

Authority: To be assigned

Privacy Act: Not Applicable

Add New Description and Disposition Standard:

Description: Records relate to waste identification, tracking and disposal documentation supporting the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), for Superfund, Defense Environmental Restoration Program, Work for Others, and Operations and Maintenance. Examples of documentation includes, generator knowledge determination, waste analysis reports and associated waste profile sheets, waste shipping records and hazardous waste manifests, land disposal restriction notifications and certificates of disposal.

Disposition: Permanent.

File Category 1180: Corps of Engineers Contracts

Pertinent Background Information

These are updated classification standards for the file category 1180 Corps of Engineers Contracts. The description, authority, and Privacy Act standards remain the same. A 30 year disposition standard is being proposed when the contracts relate to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Superfund, Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, Work for Others, and Operational and Maintenance.

File Number: 1180-1-1a (MARKS Page #326)

Title: Civil Works Contracts (CE)

Authority: NC1-AU-76-75

Privacy Act: Not Applicable

ADD NEW DESCRIPTION c AND DISPOSITION INSTRUCTIONS c, d:

c. Description: USACE Civil Works contracts relating to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Superfund, Defense Environmental Restoration Program (DERP), DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, Work for Others, and Operational and Maintenance or any other contracts relating to environmental restoration clean-up actions. USACE contracts and supporting documents generated in support of the Environmental Protection Agency (EPA), Superfund Program, may not be destroyed unless authorized by EPA IAW EPA Managers Financial Guide.

c. Disposition: Retain in CFA 2 years after closeout of the contract in which final payment is effected. Transfer to RHA for 5 years, retire to FRC, destroy after 30 years providing there are

EP 415-1-266
Mar 00

no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Contract (NA Form 13001) Requests for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

d. Disposition: HQUSACE environmental restoration contract correspondence records; retain in CFA 2 years and retire FRC, destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Contract (NA Form 13001) Requests for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

File Number: 1180-1-1q (MARKS Page #327)

Title: Civil Works Construction and Maintenance Contracts

Authority: NC1-AU-76-47

Privacy Act: Not Applicable

ADD NEW DESCRIPTION f AND DISPOSITION STANDARD b & c:

f. Description: USACE Civil Works contracts relating to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Superfund, Defense Environmental Restoration Program (DERP), and DOD Base Realignment and Closure (BRAC) Environmental Restoration Program, Work for Others, and Operational and Maintenance. USACE contracts and supporting documents generated in support of the Environmental Protection Agency (EPA), Superfund Program, may not be destroyed unless authorized by EPA IAW EPA Managers Financial Guide.

c. Disposition: Retain in CFA 2 year after closeout of the contract in which final payment is effected. Transfer to RHA for 5 years and retire to FRC, destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Contract (NA Form 13001) Requests for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

c. Disposition: HQUSACE environmental restoration contract correspondence records; retain in CFA 2 years and retire FRC, destroy after 30 years providing there are no outstanding claims; exceptions; or pending litigation in connection therewith. Forward all Superfund Contract (NA Form 13001) Requests for Disposal of Records to the USACE Cost Recovery Coordinator to obtain disposal authorization.

EP 415-1-266
Mar 00

DEPARTMENT OF THE ARMY
U S. Army Corps of Engineers
Washington, DC, 20314.1000

REPLY TO
ATTENTION OF:

CEMP-RS/CERE-AP

22 Nov 1989

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: USACE Real Estate Support for EPA Superfund Program

1. The purpose of this memorandum is to provide guidance and procedures for preparation of Real Estate Planning Reports (REPR) and Real Estate support for the EPA Superfund Program. The attached draft guidance is for immediate implementation. Request you provide copies to all Superfund district project managers and real estate offices for action. This guidance has been concurred in by HQEPA.

2. Points of contact at this headquarters are Jim Gibson, CEMP-RS, (202) 504-4709 and Laura Norman, CERE-AP, (202) 272-0495.

FOR THE COMMANDER:

/s/

BARRY J. FRANKEL
Director of Real Estate

/s/

GEORGE R. ROBERTSON
Major General, USA
Assistant Commander and Director
Military Programs

Encl

EP 415-1-266
Mar 00

DISTRIBUTION:
ALL DIVISION SUPERFUND COORDINATORS
COMMANDER,
HUNTSVILLE DIVISION
LOWER MISSISSIPPI VALLEY DIVISION
MISSOURI RIVER DIVISION
NEW ENGLAND DIVISION
NORTH ATLANTIC DIVISION
NORTH CENTRAL DIVISION
NORTH PACIFIC DIVISION
OHIO RIVER DIVISION
PACIFIC OCEAN DIVISION
SOUTH ATLANTIC DIVISION
SOUTH PACIFIC DIVISION
SOUTHWESTERN DIVISION
CEMRD-ED-EA (Winnike)

CF:
ASA(CW), ATTN: Ms. Tornblom
HQEPA, ATTN: CDR William Zobel

REAL ESTATE SUPPORT PROCEDURES FOR EPA SUPERFUND PROJECTS

1. Purpose. Describe Real Estate procedures and provide guidance for conducting real estate planning and acquisition in support of Superfund projects.

2. Background.

a. The Corps of Engineers is supporting the Environmental Protection Agency (EPA) in its mission to clean up hazardous and toxic waste sites. This support has principally taken the form of engineering, construction, and related contract management activities. However, EPA now envisions a need for real estate support, including Real Estate Planning Reports (REPRs), acquisition activities, and other real estate support for enforcement actions.

b. To obtain the necessary real estate interests to perform remedial actions, EPA will normally either exercise its enforcement power on contaminated/threatened lands, pursuant to 42 U.S.C. Section 104(e) without just compensation to a landowner, or acquire non-contaminated/threatened lands, pursuant to 42 U.S.C. Section 104(j), with just compensation to a landowner. Enforcement activities will generally be handled by EPA and acquisition will generally be handled by USACE Real Estate for USACE assigned projects; however, there will be times when USACE will provide support activities to EPA in obtaining the necessary real estate under EPA enforcement powers. The following paragraphs describe the duties and responsibilities of relevant USACE and EPA offices in REPR, enforcement, and acquisition activities.

3. REPRs General.

a. REPRs will be required for all Corps lead projects. The need for a REPR is established between the Corps and EPA pursuant to paragraph 4a(1). Appropriate USACE and EPA elements will then follow the procedures set out below for initiating, developing, and completing REPRs.

b. Typically, REPRs will take no more than 60 days to draft depending on the complexity of the project and the type and amount of land involved. The Real Estate FOA responsible for producing a REPR shall coordinate any delays in REPR production with the USACE FOA Design Project Manager (PM) in Kansas City or Omaha and the EPA Regional Project Manager (RPM).

Mar 00

c. In addition to the information outlined in Figure 2-1 of ER 405-1-12, REPRs shall in all cases identify those areas of contaminated, threatened, and clean lands and should include such other information as is necessary and desirable for project purposes. (See Appendix A for more guidance on REPR contents.)

4. REPR Procedures. The following paragraphs describe the process for initiating, developing, and completing REPRs in support of EPA Superfund projects.

a. Requests for REPRs.

(1) As soon as feasible during the design phase of all Corps projects, the FOA Design PM and the EPA RPM will establish real estate requirements to be incorporated in the project budget for remediation of the Superfund site. The point for determining real estate requirements may vary by project. For example, the need for off-site real estate may be adequately identified in the Remedial Investigation/Feasibility Study (RI/FS). Other projects may undergo design changes affecting the location and amount of real estate needed for the project. Normally, a REPR should be initiated by 0% design (i.e. when the design commences). Once real estate needs have been reasonably identified, the FOA Design PM will record these requirements on a map or maps and forward this information to CEMRD-ED-E to determine the adequacy of the project's scope in relation to real estate needs.

(2) CEMRD-ED-E will review and concur on project documentation to support the limits of work. CEMRD-ED-E will then coordinate real estate needs with CEMRD-RE. After these real estate needs have been coordinated, CEMRD-RE will formally notify the Chief of Real Estate for the relevant geographical divisions that a REPR must be initiated. Additionally, CEMRD-RE will forward a copy of the REPR tasking to HQUSACE CERE-AP, the FOA Design PM, and the USACE Superfund Division Coordinator in the appropriate geographical division.

(3) The Chief of Real Estate for the appropriate geographical division will task appropriate Real Estate FOA to produce REPRs. The division will forward a copy of this tasking to CEMRD-RE.

b. REPR Processing.

(1) The relevant Real Estate FOA will produce REPRs according to division tasking instructions. REPRs should be

completed no later than 60 days from receipt of tasking unless there is sufficient justification for extending the REPR completion deadline. Extensions will be granted by CEMRD-RE.

(a) EPA Regions will provide the necessary funding for preparation of REPRs by maintaining and ensuring funding is available through USACE/EPA Inter Agency Agreements (IAGs)

(b) Real Estate FOA will maintain documentation of REPR production costs for later cost recovery actions by the Department of Justice (DOJ) on behalf of EPA.

(c) Real Estate FOA will coordinate with the FOA Design PM and the appropriate EPA RPM as necessary during production of the REPR.

(2) Real Estate FOA will submit final draft REPRs to their respective command division for review.

(3) Divisions will timely review and forward final draft REPRs to CEMRD-RE for approval. An information copy of the REPR will be furnished from the division to HQUSACE CERE-AP. In no case will REPRs be forwarded to EPA until they are commented upon by HQUSACE and reviewed and approved by CEMRD-RE. CEMRD-RE will approve REPRs within 15 days of receipt.

(4) CEMRD-RE will review and approve final draft REPRs before they are distributed outside USACE channels. If CEMRD-RE approves the REPR, CEMRD-RE will forward a copy of the approved final draft REPR to the FOA Design PM, the USACE Superfund Division Coordinator, HQUSACE CERE-AP, and two copies to the appropriate EPA RPM. If any changes are required before distributing the REPR beyond CEMRD-RE, CEMRD-RE will request such changes through appropriate geographical divisions to the responsible Real Estate FOA.

(5) REPRs may also be refined and enhanced after EPA review. In such cases, EPA will coordinate any changes or refinements through the FOA Design PM to the appropriate Real Estate FOA. Upon completion, the Real Estate FOA will distribute the refined or enhanced REPRs to the following activities: division, CEMRD-RE, HQUSACE CERE-AP, the FOA Design PM, the USACE Superfund Division Coordinator, the EPA RPM, and Headquarters EPA as necessary.

5. Real Estate Support. EPA Regions will determine whether land required for projects will be obtained through EPA's enforcement power, or by the acquisition of an interest in real property. After receiving the approved final draft REPR, EPA will determine how it will obtain real estate for the project as well as the need for subsequent Corps real estate support. If EPA determines to use its enforcement powers to obtain necessary real property interests, Real Estate FOA may assist EPA as outlined in paragraph 6 below. On the other hand, if EPA determines real property acquisition is necessary, and wishes USACE assistance in performing such acquisitions, the procedures set out below in paragraph 7 shall be followed. In some cases EPA may request real estate support where no REPR has been prepared. In such cases, the following procedures will also apply.

6. Enforcement. EPA Regions may request USACE to provide support on EPA enforcement actions as outlined below.

a. The EPA RPM will request assistance from the FOA Design PM for real estate support for enforcement activities. Such support may include surveying, mapping, title evidence, legal descriptions, rights-of-entry etc., but shall not include discussions or negotiations leading to the implementation of enforcement actions (i.e., landowner access agreements) without approval from HQUSACE CERE-AP.

b. The FOA Design PM will refine and coordinate requests for real estate support from EPA Regions and then forward these requests for real estate support to CEMRD-RE for action and implementation.

c. CEMRD-RE will coordinate all requests for real estate support from the FOA Design PM and task appropriate divisions to provide real estate support.

d. Divisions will receive real estate tasking from CEMRD-RE and will task appropriate Real Estate FOA to perform real estate support activities.

e. Real Estate FOA will perform real estate support in

response to EPA Region tasking received through CEMRD-RE and division. Such support shall include surveying, mapping, title evidence, rights-of-entry etc.; however, Real Estate FOA will not participate in negotiations leading to the implementation of enforcement actions (i.e., landowner access agreements) without HQUSACE CERE-AP approval.

(1) Real Estate FOA will maintain documentation of real estate support activities for later cost recovery actions by DOJ on behalf of EPA.

f. In the event the EPA Region requests expanded USACE real estate support in an enforcement action, (such as negotiations, for landowner access agreements), this expansion must first be approved by HQUSACE CERE-AP. All requests for expansion of USACE activities shall be forwarded from the EPA Region to CEMRD-RE who will then forward the request to HQUSACE CERE-AP for approval.

7. Acquisition. Pursuant to a directive from HQUSACE CERE-AP, Real Estate FOA shall perform real estate acquisition in accordance with established laws and regulations applying to USACE Real Estate acquisitions.

a. If land shall be acquired by acquisition pursuant to PL 91-646, EPA Regional Offices must obtain EPA Headquarters approval prior to acquiring real property at the project. Where a REPR has been prepared, the REPR will accompany any request to acquire real property, and will become part of the acquisition strategy plan for the project, which must be approved by EPA Headquarters.

b. EPA Headquarters will approve the EPA Region's request for acquisition of real property and will then issue a real estate directive to HQUSACE CERE-AP authorizing the Corps to acquire real estate. However, EPA Headquarters will not issue a directive to acquire real estate until the State Superfund Contract (SSC) with the relevant real estate provisions is in place. Without a SSC containing language indicating the State will take title to the land once the remedial action is completed, EPA has no authority to acquire any interest in real property.

EP 415-1-266
Mar 00

c. HQUSACE CERE-AP will issue real estate directives to relevant divisions to perform real estate acquisition at Superfund sites.

d. Divisions will receive tasking from HQUSACE CERE-AP to acquire real estate at Superfund projects and will then task appropriate Real Estate FOA to acquire real estate based on the directive from HQUSACE ERE-AP.

e. Real Estate FOA will perform real estate acquisition only pursuant to a directive from HQUSACE CERE-AP.

(1) Real Estate FOA will coordinate acquisition of real property with the FOA Design PM.

(2) Real Estate FOA will maintain documentation of real estate acquisition costs for later cost recovery actions by DOJ on behalf of EPA.

f. In the event condemnation proceedings are instituted to acquire the real estate specified in the directive to the Real Estate FOA, the Real Estate FOA will prepare the necessary documents for assembly of the Declaration of Taking (DT) to implement condemnation proceedings. The Real Estate FOA, through the appropriate geographical division, will then forward the DT "package" to HQUSACE CERE-AP. HQUSACE CERE-AC will review and transmit the DT "package" to Headquarters EPA, who will approve, sign and return the DT "package" to HQUSACE CERE-AC for forwarding to DOJ.

REAL ESTATE PLANNING REPORT

1. Purpose: Brief description of the project and reason for real estate access at the project.
2. Scope: Estimated acreage requirements.
3. Contaminated/Noncontaminated Lands: Identify whether necessary real estate is contaminated/noncontaminated/threatened.
4. Estate: Recommended estate to be acquired (e.g. Fee Title, Easement, License, etc.)
5. Ownership: Brief discussion of number and names of owners, and if known, their attitudes concerning the proposed acquisition.
6. Value: Estimated value of real estate interests to be involved.
7. Problems: Discuss any known or potential problem areas.

Exhibits:

- A. REPR authorizing letter
- B. Map of area to be acquired
- C. Summation of how real estate values were derived

EP 415-1-266
Mar 00

CERE-AP (405-10)

6 February 1998

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Guidance for the Provision of Real Estate Support to the Formerly Utilized Sites Remedial Action Program and Delegation of Authority to Execute Rights-of-Entry and Acquire Real Property and Interests Therein

1. References:

a. Energy and Water Development Appropriations Act, 1998, Pub. L. No. 105-62, 111 Stat. 1326 (1997).

b. Memorandum, CECW-B, 31 Oct 97, subject: Formerly Utilized Sites Remedial Action Program (FUSRAP) Operations Order (OPORD) 98-01.

c. Letter from Chairmen, House and Senate Subcommittees on Energy and Water Development, Committees on Appropriations, to Secretaries of Energy and Defense dated 6 November 1997.

d. *Uniform Appraisal Standards for Federal Land Acquisitions*, Interagency Land Acquisition Conference (1992).

e. Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs, 49 C.F.R. Part 24.

f. Memorandum, CERE-E, 27 Nov 90, subject: Delegation of Approval Authority for Real Estate Appraisal Reports.

g. Memorandum, CERE-AP, 6 Oct 95, subject: Delegation of Authority to Accept Offers to Sell, Approve Administrative Settlements and Settlement Offers in Condemnation Actions and Establishment of Performance Measures.

h. Office of Federal Procurement Policy, Policy Letter on Inherently Governmental Functions, 57 Fed. Reg. 45,096 (1992).

2. Reference 1a, above, transferred program execution responsibility for the Formerly Utilized

CERE-AP

SUBJECT: Guidance for the Provision of Real Estate Support to the Formerly Utilized Sites Remedial Action Program and Delegation of Authority to Execute Rights-of-Entry and Acquire Real Property and Interests Therein.

Sites Remedial Action Program (FUSRAP) from the Department of Energy to the Army Corps of Engineers. Reference 1b, above, charged Divisions and Districts with responsibility for executing the program. This memorandum is intended to provide guidance on the provision of CERE-AP real estate support activities. We have been given an opportunity to demonstrate our creativity, our ability to work in an uncertain environment and respond quickly to change, and our partnering skills. We have imposed relatively few constraints on Districts in order to meet this challenge.

3. District real estate elements shall take appropriate steps to plan the real estate aspects of FUSRAP projects within their Civil Works geographic boundaries. This planning effort should include the identification of project real estate requirements, a determination of whether existing Government rights are sufficient to permit the Corps to construct, operate and maintain the projects, and the development of a strategy to meet any unsatisfied requirements including the development of costs and schedules to a level of detail consistent with the complexity of the project. No Headquarters review or approval of District real estate plans is required. Districts shall execute approved real estate plans in a timely fashion. It is critical that program momentum be maintained. Relevant program data should be entered into the Real Estate Management Information System (REMIS).
4. Chiefs of Real Estate at Major Subordinate Commands (MSC's) and Districts are authorized to execute rights-of-entry which substantially conform to enclosed model (Encl 1). This authority may be further delegated to the section chief level. It is desired that, to the greatest extent practicable, the FUSRAP program be implemented utilizing rights-of-entry and without the necessity for real estate acquisition.
5. Chiefs of Real Estate at MSC's are authorized to approve the acquisition of real property and interests therein in connection with FUSRAP. This authority may be further delegated to District Chiefs of Real Estate. Any real property interests acquired should, in most cases, be temporary and terminate at conclusion of remedial action. Should condemnation of real property interests be required, citation should be made to 33 U.S.C. § 591, 40 U.S.C. §§ 257-258a, and the Energy and Water Development Appropriations Act, 1998, Pub. L. No. 105-62, 111 Stat. 1326 (1997).
6. Where a detailed appraisal of any real property interests to be acquired is required, such interests shall be appraised in accordance with reference 1d, above. It is anticipated, however,

CERE-AP

SUBJECT: Guidance for the Provision of Real Estate Support to the Formerly Utilized Sites Remedial Action Program and Delegation of Authority to Execute Rights-of-Entry and Acquire Real Property and Interests Therein.

that most real property interests required to implement FUSRAP will not require the in-depth analysis and presentation necessary in a detailed appraisal by virtue of their low value or simplicity. *See* 49 C.F.R. §§ 24.102(c), 24.103. Authority to approve appraisals is as delegated in reference 1f, above, or subsequent delegations.

7. Authority to accept offers to sell, approve administrative settlements and settlement offers in condemnation actions is as delegated in reference 1g, above.

8. Chiefs of Real Estate at MSC's and Districts are authorized to approve payment of nominal consideration for rights-of-entry and licenses required in connection with FUSRAP. The following language may be inserted after "in consideration of" in the first paragraph of the form: "the payment of \$[INSERT AMOUNT], receipt of which is hereby acknowledged, and". Chiefs of Real Estate at MSC's and Districts are authorized to extend existing DOE licenses and access agreements containing terms which, if not contrary to law, are not consistent with USACE policy if deemed reasonable, prudent and in the Government's interest.

9. Our current position is that real property accountability remains with DOE consistent with the expression of legislative intent contained in reference 1c, above. DOE project real estate records have been obtained by the Oak Ridge Transition Team and distributed to the appropriate geographic Districts. Real property records should be returned to DOE upon site closeout.

10. Districts may determine the nature and extent of contract real estate support, if any, to be provided by Bechtel National, Inc. under its existing contract with the Government for projects within their area of responsibility. Districts shall not contract for the performance of inherent Government functions such as appraisal review and approval. *See* reference 1h, above.

CERE-AP

SUBJECT: Guidance for the Provision of Real Estate Support to the Formerly Utilized Sites Remedial Action Program and Delegation of Authority to Execute Rights-of-Entry and Acquire Real Property and Interests Therein.

11. Real estate issues which cannot be resolved locally should be elevated through command channels to CERE-AP. Our point of contact for this guidance is Mr. Cribbin at (202) 761-1704.

FOR THE COMMANDER:

Enclosure
as

B. J. FRANKEL
Director of Real Estate

DISTRIBUTION:
COMMANDER,
GREAT LAKES AND OHIO RIVER DIVISION, ATTN: CELRD-OR-ET-R
MISSISSIPPI VALLEY DIVISION, ATTN: CEMVD-ET-R
NORTH ATLANTIC DIVISION, ATTN: CENAD-ET-R
NORTHWESTERN DIVISION, ATTN: CENWD-MR-ET-A
CECW-B (Augustine)
CEMP-R (Huston)
CECC-T (Simpson)
CECS

EP 415-1-266
Mar 00

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

DEPARTMENT OF THE ARMY

RIGHT OF ENTRY

(Site Name)

(Tract Number)

1. This Right of Entry is granted for purposes of performing surveys and investigations, collecting samples and making test borings, and remediating radiological and chemical contamination of soils, groundwater and structures including, but not limited to, the right to store, move and remove equipment and supplies; excavate and dispose of contaminated soil and backfill with suitable soil and restore the property to its previous condition; construct, operate, maintain, repair, replace, and remove groundwater extraction, treatment and injection systems and monitoring wells; and perform such other work as may be necessary and incident to implementation of the Formerly Utilized Sites Remedial Action Program for a period not to exceed _____ beginning with the date of this instrument.

2. This Right of Entry includes the right of ingress and egress on other lands of the Grantor provided that such ingress and egress is necessary and not otherwise conveniently available to the Government.

3. All tools, equipment, and other property taken or placed upon the land by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this Right of Entry.

4. The Government shall have the right to patrol and police the land during the period of this Right of Entry.

5. If any action of the Government in the exercise of the rights granted herein results in damage to the real property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the Grantor. In no event shall such repair or settlement exceed the fair market value of the fee simple title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet any deficiencies. The provisions of this clause are without prejudice to any rights the Grantor may have to make a claim under applicable laws for any damages other than those provided for herein.

WITNESS MY HAND AND SEAL this ____ day of _____, 199__.

(SEAL)
[Typed Name]

Accepted

(SEAL)
[Typed Name]

UNITED STATES OF AMERICA

By: _____
[Typed Name]
[Title]

CESO-I (40-5)

23 SEP 1999

MEMORANDUM FOR COMMANDERS, USACE COMMANDS

SUBJECT: HTRW Medical Surveillance Program Inclusion and Frequency Criteria

1. References:

- a. Title 29 CFR 1910.120 / 29 CFR 1926.65, Hazardous Waste Operations and Emergency Response.
- b. Engineer Pamphlet (EP) 385-1-58, Safety and Occupational Health, Industrial Hygiene and Occupational Health Handbook (Draft).
- c. Position Paper, U.S. Army Corps of Engineers, HTRW-CX; Criteria for the Application of 29 CFR 1910.120.
- d. Memorandum; Medical Examination Frequency for Hazardous Waste Operations Personnel, Washington Occupational Health Associates, dated 12 March 1999.

2. After reviewing the data contained in reference 1.b., and evaluating the requirements of reference 1.a. and 1.c., the HQUSACE Medical Advisor (Contract Occupational Health Physician), has recommended to the HQUSACE Safety and Occupational Health Office (CESO) that the frequency of Hazardous, Toxic and Radioactive Waste (HTRW) examinations for USACE personnel meeting OSHA inclusion criteria, as stated in 29 CFR 1910.120 and 29 CFR 1926.65, should, in general, be performed **on a biennial** basis (reference 1.d.). The memorandum stating this is enclosed.

3. The Occupational Health physician recommendations are as follows:

- a. Only "covered" personnel (personnel who meet the OSHA inclusion criteria) shall receive medical examinations. USACE Commands are advised to review criteria for employee participation in the local HAZWOPER medical surveillance program. We advise comparing each HTRW employees' recent work activities and potential future workload to the following criteria to determine need for program participation and associated examination frequency. We also advise team (employee, employee supervisor, local SOHO with support of the local occupational physician) participation when performing the evaluation.

- (1) Generally those employees participating in an HTRW medical surveillance program are those that enter into an exclusion or contamination reduction zone (who may be exposed at or above the established permissible exposure limits) for more than 30 days per year, or those who

may be exposed to high concentrations of contaminants over a brief period, such as those individuals working on investigative drill crews where unknown contaminants and concentrations may be encountered.

(2) Employees who wear a respirator for more than 30 days or more per year shall be included in the program.

(3) All employees who are injured, become ill or develop signs or symptoms due to possible overexposure involving hazardous substances or health hazards from an emergency response or hazardous waste operation shall also be included in the program.

b. In general, covered personnel should be examined only every other year. This decision is based on a review of information that indicates that for most types of work activities USACE employees perform on HTRW sites (contract managers with some in-house execution), there is a lack of exposures that even approach OSHA Permissible Exposure Limits (PELs) or Action Levels (usually considered one-half of the PEL).

c. There are local conditions, however, that may warrant more frequent examinations.

(1) Should an employee demonstrate signs or symptoms that may be associated with increased exposure, the local examining physician may make a professional judgment for that individual to be provided with more frequent examinations;

(2) when the USACE Command (design or geographic executing District) determines that a project's site safety and health requirements (either in-house or contractor plan that USACE employees follow) require more frequent examinations or specific medical tests (example: blood lead determinations);

(3) when an OSHA substance specific standard is invoked which requires a more frequent medical examination;

(4) as otherwise determined by the local examining physician based on individual employee circumstances.

4. Under the updated OSHA standard for respiratory protection 29 CFR 1910.134, there is no frequency or periodicity required after the initial medical evaluation. There are, however, criteria established where medical reevaluation might be required. As stated in 29 CFR 1910.134(e)(7) medical clearance to wear a respirator may be required beyond the initial evaluation for one of the following reasons:

- a. The employee reports medical signs or symptoms that are related to the ability to wear a respirator;
 - b. the health care professional, supervisor or respirator administrator informs the employee that a more frequent reevaluation is necessary;
 - c. information from the respiratory protection program, including observations made during fit testing and program evaluation indicate a need for reevaluation; or
 - d. a change occurs in workplace conditions (e.g. physical work effort, protective clothing, temperature) that may result in a substantial increase in the physiological burden placed on the employee.
5. USACE Commands should ensure that contractors executing HTRW work receive notice of this policy.
6. If there are any questions please contact Mr. Robert Stout, 202-761-8566 or Mr. Richard Wright, 202-761-8565.

FOR THE COMMANDER:

Encl

CONNIE K. DEWITTE
Chief, Safety and Occupational
Health Office

CF: Chief, SOHO, USACE Commands

EP 415-1-266
Mar 00

WASHINGTON OCCUPATIONAL HEALTH ASSOCIATES, INC.
Suite 410
1120 19th Street N.W.
Washington, D.C. 20036

*Consultants in Occupational
and Environmental Health*

Telephone (202) 463-6696
Telecopier (202) 223-6625

March 12, 1999

Mr. Robert Stout
U. S. Army Corps of Engineers
CESO-I
I Room 4124C
20 Massachusetts Avenue N.W.
Washington, D.C. 20314-1000

Subject: Medical Examination Frequency for Hazardous Waste Operations Personnel

References:

1. Position Paper, U.S. Army Corps of Engineers; Criteria for the Application of 29 CFR 1910.120 (HAZWOPER).
2. 29 CFR 1910.120 (f), Hazardous Waste Operations and Emergency Response; Medical Surveillance
3. 29 CFR 1926.65 (f), Hazardous Waste Operations and Emergency Response, Medical Surveillance
4. EP 385-1-58 (October 1998) Safety and Occupational Health, Industrial Hygiene and Occupational Health Handbook (Draft)
5. EP 385-1-58, Appendix D - 1, Medical Examination Requirements for Potentially Hazardous Chemical Agents (Draft)
6. EP 385-1-58, Appendix D - 2, Medical Examination Requirements for Potentially Hazardous Work (Draft)

Dear Mr. Stout:

Based upon reviews of potential occupational exposures (ref 1), the regulations for hazardous waste workers (ref 2, 3), and medical examination protocols (ref. 4, 5, 6) it is recommended that the normal **frequency** of periodic medical examinations for occupationally exposed USACE personnel engaged in hazardous waste operations be established on a biennial frequency. The biennial frequency shall prevail unless a specific OSHA standard is invoked which requires a more frequent medical examination be conducted.

Under the applicable OSHA standards medical surveillance shall be instituted for "...employees who are or may be exposed to hazardous substances or health hazards at or above the permissible exposure limits or, if there is no permissible limit, above the published exposure levels for these substances, without regard to the use of respirators, for 30 days or more a year; .". A review of the exposure levels of USACE personnel (ref. 1) has shown that very few persons would be included within the group for whom medical surveillance is mandated due to exposures at or near the PEL. The frequency of periodic examination for covered workers described by the regulations should be "...At least once every twelve months for each employee covered unless the attending physician believes a longer interval (not greater than biennially) is appropriate;. .".

Based upon review of historical information regarding USACE employees given hazardous waste operations assignments, it is our professional opinion that a biennial frequency for periodic examinations should be instituted for the general case. Should certain individuals demonstrate signs or symptoms that may be associated with increased exposure, the local examining physician may make a professional judgment for that individual to be provided more frequent examinations. The reasons for such deviations from the normal examination frequencies shall be noted in the individual's medical files.

Sincerely,

Samuel J. Scott, Jr., M.D., M.P.H.
Senior Clinical Associate

cc: Dr. Neil Juriniski

EPA Real Estate Acquisition Procedures for USACE Projects

Office of Emergency and Remedial
Hazardous Site Control Division OS-220

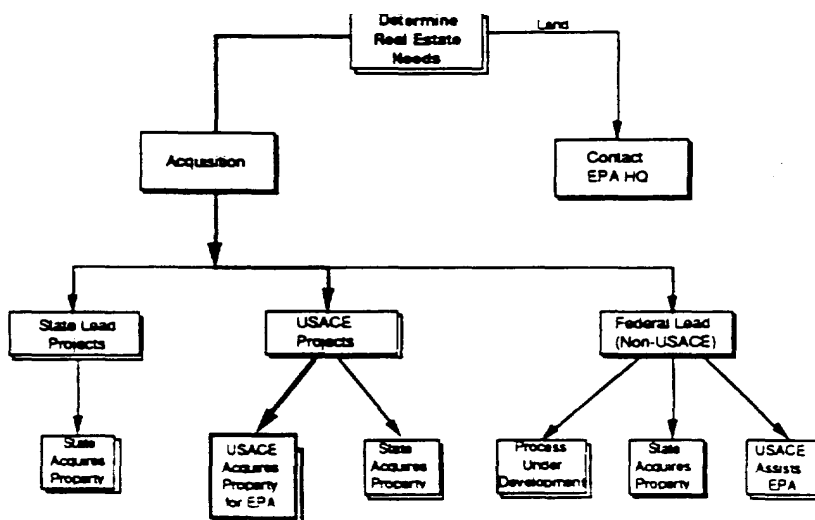
Quick Reference Fact Sheet

Introduction

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended, authorizes the US Environmental Agency (EPA) to cleanup the nation's hazardous waste sites. Prior to planning and implementing a remedial action (RA), EPA will select one delivery mechanism from among several available options. The US Army Corps of Engineers (USACE), because of their extensive experience in real estate activities has been asked to assist EPA where EPA has determined that USACE is the appropriate supporting agency and that health based relocation is not required. Health based relocations (or emergency relocations) are beyond the scope of this document and will be addressed at a later date.

EPA, under Section 104(j)(1) of the Superfund Statute, is authorized to acquire by purchase, lease, donation, condemnation, or otherwise, any real property needed to conduct a remedial action. Recent experience with real property acquisitions for the Superfund program has emphasized the need for Remedial Project Managers (RPMs) to anticipate that:

**Superfund Real Estate
Alternatives Flow Chart**



- Time frames for acquisitions may be long in duration.
- Site activities may be delayed due to acquisition issues.
- Initial planning must begin early in the remedial design process.

The process by which property is acquired for the remediation depends upon the remedy selected, the design of the remedy, the parties involved in implementation of the remedy, and the role of the state in which the site is located. Generally, EPA will only acquire through purchase, lease, donation, or condemnation, property which is not contaminated. The Enforcement Access Provisions of 104(e) grants EPA the authority to access any real property which is contaminated or threatened with contamination.

Initial Planning

During the initial planning phase of the acquisition process, the Region must determine the real estate needs based on the requirements of the Record of Decision (ROD). In order to make this determination, the Region must task USACE with the development of a Real Estate Planning Report (REPR) in the Interagency Agreement (LAG). The REPR, completed during the design phase of the project, summarizes specific characteristics of the properties needed for the remedial action (see Summary of the REPR in the sidebar). REPRs are to be developed for all USACE designs, even if acquisitions are not anticipated.

Upon reviewing the REPR, the Region in consultation with the Regional Counsel (RC), 'will determine those interests to be acquired and then develop a strategy for acquiring those interests (see Real Estate Decision Flow Chart). The following issues would be considered in the Region's acquisition strategy:

- Method of acquisition (purchase, lease, donation, or condemnation).
- Summary of criteria for determination of acquisition method.
- Federal funding availability
- Acquisition schedule
- Plan for public involvement related to acquisition (coordinated with overall site community relations effort).

Request and Approval Process

Once the Site Acquisition Strategy has been developed, the Region (with USACE assistance as needed) will submit a formal request for acquisition to the Assistant Administrator, Office of Solid Waste and Emergency Response (OSWER).

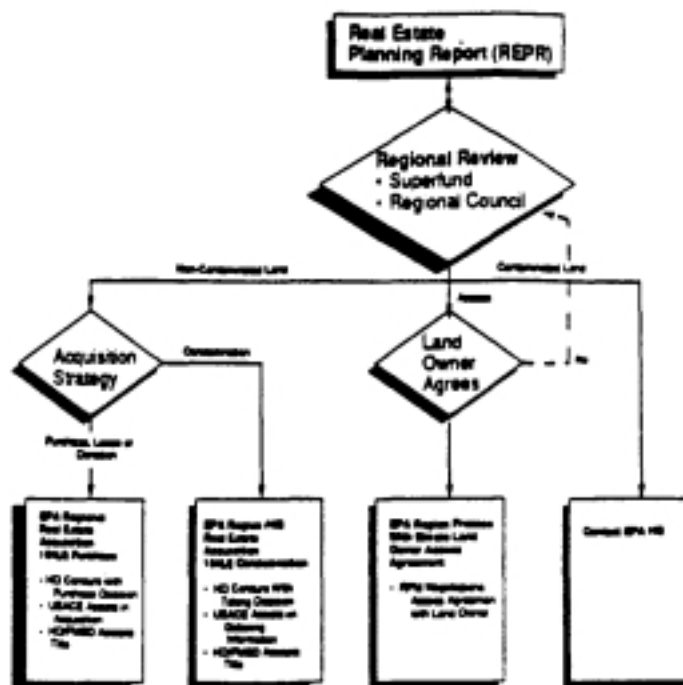
This request, based on the site acquisition strategy, must include:

- A rationale for the required acquisition.
- The legal description of all parcels.
- Estimated cost of acquiring the interest.
- The REPR.

Prior to initiating the request, the Region must verify that the State will agree to accept title to the property on or before the completion of the remedial action. The acquisition cannot be completed until the Superfund State Contract (SSC) is signed.

Real Estate Decision Flow Chart

Headquarters review is coordinated by the Hazardous Site Control Division (HSCD) within OSWER. OSWER will evaluate the Region's Request to determine if the acquisition is technically feasible and cost effective. Before OSWER approves the request, the Region must be able to demonstrate that all reasonable attempts have been made to limit the acquisition. Prior to formal approval by OSWER, the request will be sent to the Office of General Counsel (OGC) whose role is to concur with the strategy ensuring that the acquisition does not violate or contradict any current EPA policies or regulations. Upon OGC concurrence, and OSWER's approval, a transmittal memo will be sent from HSCD to the Facilities and Management Services Division (FMSD) to complete the acquisition.



Acquisition

The Facilities Management and Services Division (FMSD), an EPA Headquarters organization, has the sole authority in the Agency to accept titles and record deeds on behalf of the Federal Government. This division, with their specialists in real estate, will facilitate USACE support in the actual acquisition phase of the project by formally transmitting the Region's request to the USACE Headquarters' real estate division. USACE Headquarters will determine what support is available and then make the appropriate assignments.

In order for FMSD to perform their role adequately, they will examine the acquisition request and supporting documentation provided by the Region to determine whether any additional information such as detailed property descriptions, surveys, or appraisals are necessary to complete the acquisition in accordance with existing Federal regulations. Once the USACE district is formally tasked, they will prepare and submit an acquisition implementation plan complete with scheduling requirements to FMSD with a copy to the Region. FMSD, with assistance from the Region, will review the plan and use it in assessing the status of the project. After the Region and FMSD review the final acquisition documents prepared by USACE, then USACE will send the offer to the property owner, negotiate, and settle, at which time FMSD will accept the title.

Upon or before the completion of remedial activities, EPA will transfer the title to the State. The Region prepares a memo to FMSD explaining any deed restrictions referenced in the Record of Decision. FMSD, upon receipt of the memo, will proceed with the transfer.

The acquisition process for USACE performed projects is detailed in the "Real Estate Acquisition Flow Chart".

Summary of the Major Roles and Responsibilities

- Region requests REPR through the Remedial Design IAG.
- Region review the REPR and devises a strategy for site acquisition.
- Region submits the request to the Assistant Administrator, OSWER.
- OSWER (thru HSCD) coordinates EPA-HQ response.
- OGC concurs/nonconcurs with the request.
- OSWER approves/disapproves the request.
- State provides assurances of its intent to accept title.
- OSWER prepares transmittal memo to FMSD
- FMSD tasks USACE to offer support
- USACE prepares the final offer and title for EPA review

EP 415-1-266
Mar 00

- USACE makes the offer, negotiates and conducts the closing
- FMDS signs and accepts the title

Timetable for 104 (j) Acquisitions

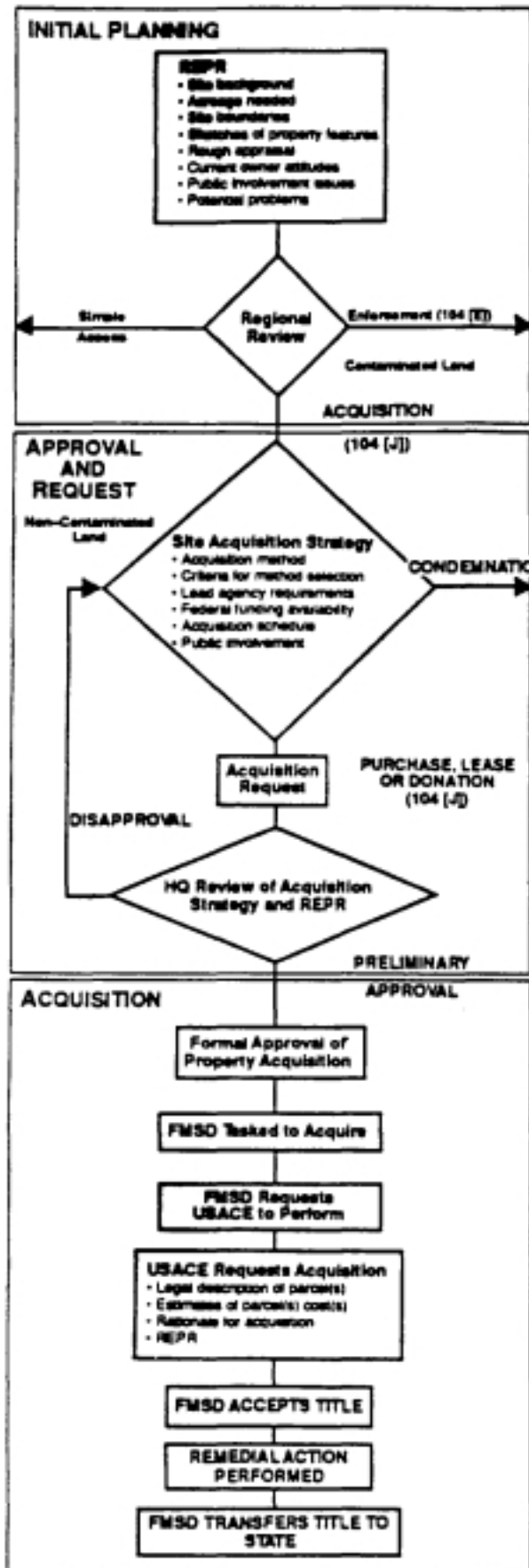
The following real estate acquisitions activities required by the “Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970” (PL 91-646) normally require the listed durations to complete. These time frames should be incorporated into any planning schedules for real estate acquisitions.

ACTIVITY	DURATION
TITLE EVIDENCE	90 DAYS
APPRAISAL	90 DAYS
FAIR MARKET LETTER	FOLLOWING APPRAISAL
NEGOTIATIONS	60 DAYS
CLOSING	30 DAYS
TOTAL ESTIMATED TIME	9-10 Months

Real estate needs must be identified early in the design phase of the project to prevent any unnecessary delays. The RPM can receive real estate support from USACE by requesting a Real Estate Planning Report in the RD/RA LAG.

This guidance covers the most basic type of acquisitions for EPA involving non-contaminated properties. When contaminated property is needed to carry out the remedial action, then the Region must contact EPA-HQ directly for further guidance.

For additional information, please contact Ms. Jo Ann Griffith, EPA-HQ, OSWER, HSCD at FTS-475-6704 or commercially at (202) 475-6704.



Summary of REPR

Site Background Information
Acreage Needed
Site Boundaries
Sketches of Property Features
Rough Appraisal on Interest to be Acquired
Current Owner Attitudes on Access/
Acquisition
Public Involvement Issues

Real Estate Definitions

“Access” a right to enter, pass to and from, obtain or make use of a property interest or parcel of land.

“Acquisition” obtaining an interest in real property by means of purchase, donation, transfer, or condemnation activities.

“Assessment” a limited right to use another party’s land or property interest for a special purpose such as construction during a remedial action or for purposes of exploration (surveys, appraisals, test borings, etc.) necessary to the design of a public works project.

“Enforcement Access” the use of SARA 104(e) to gain access to a contaminated property.

“Interest” share, right or title in property.

“Short-term Interest” a need for involvement at a site of duration limited to completion of the Remedial Action (RA) phase of site cleanup.

“Long term interest” an extended (past duration of RA construction) limited to completion of the Remedial Action (RA) phase of site cleanup.

“Real Estate Planning Report” (REPR): a research report describing a parcel of land including land title, ownership, estimated value and acreage prepared by USACE to assist EPA Regions in decisions regarding necessary real estate for Remedial Actions.

“Right of Entry” a permit to enter in, on, over, and across property or land for a limited period of time.

EP 415-1-266
Mar 00

**LIABILITY RELEASE
FOR
CONTRACTOR SITE VISIT**

Site Name: _____

Solicitation No.: _____

I _____ of _____ hereby release from liability and agree to hold harmless the U.S. Government, its officers, employees, and agents of all consequences, including personal injury or disease, death, or property damage, related to or in any way arising from potential or actual hazards or conditions present or encountered at the site during my visit(s) on _____.

I further certify that, pursuant to 29 CFR 1910.120 and 29 CFR 1926.65, my employer has reviewed all documents related to the subject solicitation and has developed the appropriate safety and health program, including a site-specific portion, related to my activities during the site visit. I will furnish and properly utilize my own personal protective equipment, in accordance with this plan, and be responsible for my own decontamination and/or disposal of used personal protective equipment. I also certify that I currently, (on the date of the visit(s)), meet all health and safety training, medical surveillance, and other requirements of 29 CFR 1910.120 and 29 CFR 1926.65, and, if requested, will produce evidence of these, along with a copy of my employer safety and health program, before site entry.

_____ Name (print)

_____ Signature

_____ Date

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

ENCLOSURE FOR CONSTRUCTION BULLETIN NO. 13 DATED 7/3/91

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

OCT 18, 1990

Colonel Wayne J. Scholl
Acting Chief
Environmental Restoration Division
U.S. Army Corps of Engineers
20 Massachusetts Avenue NW
Washington, DC 20314-1000

Dear Colonel Scholl:

The purpose of this letter is to provide guidance on authorizing the U.S. Army Corps of Engineers (USACE) to sign uniform hazardous waste manifests on the Environmental Protection Agency's (EPA) behalf without becoming a generator. Since signature of land ban notifications and certifications presents the same issue of generator and transporter liability, we will address land ban records as well. It is the Agency's intent that USACE personnel will routinely sign manifests and land ban records.

It has come to our attention that EPA Regional Superfund staff are being designated to sign manifest forms far off-site transport of hazardous waste. This requires their presence during the remedial action when off-site transportation of hazardous waste is anticipated. It also requires Regional Project Managers to spend many hours at the site, diverting them from their appropriate program management roles.

EP 415-1-266
Mar 00

The applicable Federal regulation associated with this issue is 40 CFR 262, Appendix, Uniform Hazardous Waste Manifest Instructions, Item 16, it describes the uniform hazardous waste manifest certification requirements which are applicable to generators of hazardous wastes who initiate a shipment of hazardous waste from a treatment, storage or disposal facility. This instruction makes clear that generators may have an agent on their behalf in signing the manifest forms. Specifically, the instructions say, "Generators may preprint the words, 'on behalf of' in the signature block or may hand write this statement in the signature block prior to signing the generator certifications." As explained in the Federal Register Notice on October 1, 1986 (51 Fed. Reg. 35192) , EPA did not intend to impose personal liability on 'the individual who actually signs the certification. Further, EPA clarified that "employees or other individuals may sign the manifest certification for a generator who is a legal entity, such as a corporation". This statement makes clear that the generator, so long as the signer has clear authority from the generator to do so.

Under the Federal regulations, USACE, when tasked by EPA to perform on-site remedial actions that initiate the off-site shipment of hazardous waste (such as excavation, dewatering, and packaging of contaminated soils), may sign the manifests for the EPA after receiving clear authority from EPA to do so, and after writing or printing the phrase "On behalf of the United States Environmental Protection Agency" or "On behalf of U.S.E.P.A." in the signature block of the manifest. USACE acting on behalf of EPA in this situation at Superfund sites does not become a generator of hazardous waste solely as a result of having signed the manifests. USACE would merely be performing a technical confirmation for EPA in signing the manifest form.

With this letter, we are directing USACE to sign the manifest after writing or printing the phrase "On behalf of the United State Environmental Agency" or "On behalf of U.S.E.P.A." in the signature block of the manifest and land ban record for remedial actions assigned to USACE for construction management. However, if State regulations will not permit USACE to sign such documents on behalf of EPA, the USACE should not sign for the Agency and contact the Region for further guidance on signature

EP 415-1-266
Mar 00

of manifests and land ban records.

Your assistance in this matter is greatly appreciated.
Should you have any questions regarding this matter, please
contact CDR William Zobel at 703/308/8354

Sincerely,

/s/

Kenneth W. Ayers, Chief
Design and Construction Management Branch

cc: Regional Branch Chiefs

ANNEX II
Annual Financial Agreement
Between
The Defense Contract Audit Agency
and
U.S. Army Corps of Engineers

FISCAL YEAR 2000

AGREEMENT NUMBER: 002900

I. PURPOSE

This annex, known as the Annual Financial Agreement to the Memorandum of Understanding (MOU) between the Defense Contract Audit Agency (DCAA) and the U.S. Army Corps of Engineers sets forth the financial provisions under which reimbursable audit services are provided.

II. AUTHORITY

DCAA reimbursable audit services will be provided under the authority of the Economy Act of 1932, as amended (31 U.S.C. 1535).

III. SCOPE OF WORK

Services are to be provided under the provisions stated in the standard MOU between the DCAA and the U.S. Army Corps of Engineers. This annex defines the amount of the annual effort agreed to by the parties concerned and establishes reimbursement policies for audit effort performed.

IV. DURATION OF THE AGREEMENT

This annex is operative for work to be performed during FY 2000. It is effective on 1 October 1999 through 30 September 2000. An annual renewal for each subsequent fiscal year may be made by the written mutual consent of both parties.

V. RATES FOR AUDIT SERVICES

DCAA will provide audit services on a reimbursable basis. Reimbursement will be based on applying billable audit hours to the billing rate approved by the Secretary of Defense. The hourly rate, which is computed annually is reviewed in detail by the

Accounting Policy level of the Department of Defense and, upon approval by the Secretary of Defense, remains in effect for each respective fiscal year.

VI. BILLING PROCEDURES

Each month, U.S. Army Corps of Engineers will be sent a request for payment for DCAA's reimbursable audit services. The request will be either:

1. Online Payment And Collection (OPAC) Transaction
2. Billing Invoice mailed from DFAS, Columbus (SF 1080)

With all requests for payment, DCAA will provide supporting detail to U.S. Army Corps of Engineers. To the extent possible, the supporting detail will be transmitted electronically to: _____ (provide e-mail address). In the event that electronic transmission is not possible, the supporting detail will be mailed to the address shown on the attached "*CoE Billing Address List*" dated 10/28/1999.

VII. PAYMENT PROCEDURES

Under the provisions of 31 CFR 208, The Debt Collection Improvement Act of 1996 Federal payments are to be made electronically, this is the preferred method of payment. Until such time as Online Payment And Collection (OPAC) procedures have been established between U.S. Army Corps of Engineers and DCAA's accounting service provider (DFAS - Columbus Center) your payments should be sent to:

DFAS-Columbus Center
DFAS-CO-FPDD
PO Box 182267
Columbus, OH 43218-2267

A copy of the request for payment should be included with your check. The check must reference the specific DCAA bill number being paid, and there should be one check per request for payment.

VIII. RESPONSIBILITIES

A. DCAA will provide contract audit coverage and related services to the U.S. Army Corps of Engineers.

EP 415-1-266
Mar 00

B. The U.S. Army Corps of Engineers will promptly reimburse DCAA for services rendered and billed not later than 45 days from the date the bill was issued.

IX. SPECIAL BILLING PROVISIONS

DCAA agrees to provide the U.S. Army Corps of Engineers the following specific billing information:

No special provisions.

X. CONTESTED BILLINGS

In the event a bill is unclear or in dispute:

A. The billing office shown on the supporting documentation should be contacted when question(s) pertains to audit services, authorization for audit services, or other non-administrative details.

B. If, after taking the action shown above, questions cannot be resolved, the issue in question must be submitted in writing to the following address:

DCAA Headquarters
Attention: CFO
8725 John J. Kingman Road, Suite 2135
Fort Belvoir, VA 22060-6219

Adjustments in billings can only be made through this office in DCAA Headquarters.

C. If payment has not been made within 60 days of our official request for payment, DCAA will take action that could result in discontinuation of audit services.

XI. FY 2000 WORKHOUR AND COST ESTIMATE

ESTIMATED HOURS	APPROVED HOURLY RATE	ESTIMATED COST
22,000	\$74.77	\$1,644,940

If the FY 2000 hours change after consummation of this agreement, the following steps will

be taken:

A. DCAA will immediately notify the U.S. Army Corps of Engineers if the hours appear likely to increase.

B. The recipient of DCAA audit services will take immediate advance action to provide the funding necessary for the increased audit work, or notify DCAA to terminate audit services, as appropriate.

XII. SIGNATORIES

Your organization should provide a copy of your funding document and return it to DCAA Headquarters, Attention: CFB, as an enclosure to this signed agreement. If you choose not to provide a funding document, the signature on this agreement (Number 002900) will authorize DCAA to utilize it as the funding and obligational instrument.

This agreement (Number 002900) and any subsequent changes thereto will be effective when executed by the Chief, Financial Management Division, DCAA and an authorized representative of the U.S. Army Corps of Engineers within 30 days of receipt.

U.S. Army Corps of Engineers

Department of Defense
Defense Contract Audit Agency

/s/
Russell Fuhrman
Major General, USA
Deputy Commander
6 Dec 1999

NAME

DATE

/s/
Gary H. Gloinsky
Chief, Financial Management Division

23 Nov 1999

EP 415-1-266
Mar 00

CoE Billing Address List

10/28/99

USA Engineer Dist, Mobile
ATTN:CESAM-CT
PO Box 2288
Mobile, AL 36628-0001

USA Eng Dist, San Francisco
ATTN:CESP14-CT
211 Main Street
San Francisco, CA 94105-1905

USA Engineer Dist, Savannah
ATTN:CESAS-CT
PO Box 889
Savannah, GA 31402-0869

USA Engineer Dist, Louisville
ATTN: CEORL-CT (Kathy Dole)
PO Box 59
Louisville, KY 40201-0059

USA Engineer Dist, New England
ATTN: CENED-CT
424 Trapelo Road
Waltham, MA 02254-9149

USA Eng Dist, Vicksburg
ATTN:CELMK-CT
3515 I-20 Frontage Rd
Vicksburg, MS 39180-5191

USA Engineer Dist, St Louis
ATTN: CELMS-CT
1222 Spruce Street
St Louis, MO 63101-2833

USA Engineer Dist, Buffalo
ATTN:CENC3-CT (Cont Div)
1776 Niagara Street
Buffalo, NY 14207-3199

USA Eng Dist, Tulsa
ATTN:CESWT-CT
PO Box 61
Tulsa, OK 74121-0061

USA Eng Dist, Charleston
ATTN:CESAC-CT
PO Box 919
Charleston, SC 0919

USA Eng Dist, Forth Worth
ATTN:CESWF-CT
PO Box 17300

USA Engineer Dist, Little Rock
ATTN: CESWL-CT
PO Box 867
Little Rock, AR 72203-0867

USA Engineer Dist, Los Angeles
ATTN: CESPL-CT
PO Box 2711
Los Angeles, CA 90053-2325

USA Engineer Dist., Chicago
ATTN: CENCR-CT
111 North Canal Street
Chicago, IL 60606-7206

USA Engineer Dist, New Orleans
ATTN: CELMN-CT
PO Box 60267
New Orleans, LA 70160-0267

USA Engineer Dist, Detroit
ATTN: CENCE-CT
PO Box 1027
Detroit, MI 48231-1027

USA Eng Waterways Exp Sta
ATTN: CEWES-CT-Z (Cont Div)
3909 Halls Ferry Rd
Vicksburg, MS 39181-6199

USA Engineer Dist, Omaha
ATTN: CEMRO-CT
215 North 17th Street
Omaha, NE 68102-4978

USA Eng Dist, NY
Cont. Div, ATTN: CENAN-CT
26 Federal Plaza
New York, NY 10028-0090

USA Engineer Dist, Portland
ATTN: CENPP-CT
PO Box 2946
Portland, OR 97208-2946

USA Eng Dist, Phil
ATTN: CENAP-CT, Cont Div
110 Penn Square East, Wanamaker Bldg
Phil, PA 19107-3390

USA Eng Dist, Galveston
ATTN:CESWG-CT
PO Box 1229

USA Engineer Dist, Sacramento
ATTN: CESPK-CT
1325 J Street
Sacramento, CA 95814-2922

USA Engineer Dist, Jacksonville
ATTN: CESAJ-CT
PO Box 4970
Jacksonville, FL 32232-0019

USA Engineer Dist, Rock Island
Clock Tower Building, ATTN: CENCR-CT
PO Box 2004
Rock Island, IL 61202-2004

USA Eng Dist, Baltimore Contracting Div
ATTN: CENAB-CT
PO Box 1715
Baltimore, MD 21203-1715

USA Eng Dist, St. Paul
ATTN: CENCS-CT
190 Fifth Street East
St. Paul, MN 55101-1638

USA Engineer Dist, Kansas City
700 Federal Bldg, ATTN: CEMRK-CT
601 East 12th Street
Kansas City, MO 64106-2896

USA Engineer Dist, Albuquerque
ATTN: CESWA-CT
PO Box 1580
Albuquerque, NM 87103-1580

USA Engineer Dist, Wilmington
ATTN: CESAW-CT
PO Box 1890
Wilmington, NC 28402-1890

USA Eng Dist, Pittsburgh
ATTN: CEORP-CT-SADBUS
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

USA Eng Dist, Nashville
ATTN:CEORN-CT
PO Box 1070
Nashville, TN 37202-1070

USA Eng Dist, Norfolk
Contracting Div, ATTN:CENAO-CT
803 Front Street

EP 415-1-266
Mar 00

Forth Worth, TX 76102-0300

USA Eng Dist, Memphis
ATTN: CEIMM-CT
B-202 Clifford Davis Fed Bldg
Memphis, TN 38103-1894

USA Eng Dist, Huntington
ATTN:CEORH-CT
502 8th Street
Huntington, WV 25701-2070

USA Eng Topog Laboratories
ATTN:CETEC-CT
Cude Bldg#2592
Fort Belvoir, VA 22060-5546

USA Engineer Dist, Far East
APO, AP 96205-0610

USA Eng Dist, Huntsville
ATTN:CEHND-CT
PO Box 1600
Huntsville, AL 35807-4301

USA Engineer Div, Europe
ATTN:CETAE-CT
Unit 25727
APO, AE 09242-5301

Galveston, TX 77553

USA Engineer Dist, Seattle
ATTN:CENPS-CT
PO Box C-3755
Seattle, WA 98124-2255

USA Humphreys Engineer Center
Support Activity, ATTN: CEHEC-CT
Kingman Bldg
Fort Belvoir, VA 22060-5580

USA Eng Transatlantic Div
ATTN:CETAD-CT-P
201 Prince Frederick Dr
Winchester, VA 22604

USA Eng Dist, Pacific Ocean
ATTN: CEPOD-CT
Bldg 230

USA Construction Engineering
Research Laboratory
ATTN:CECER-CT, PO Box 4005
Champaign, IL 61820-1305

Norfolk, VA 23510-1096

USA Eng Dist, Walla Walla
ATTN: CENPW-CT
201 N. Third Street
Walla Walla, WA 99362-1876

USA Eng Ord Prog Div
ATTN:CETAD-OP-C
APO, AE 09803-1303

USA Eng Dist, Japan
ATTN:CEPOJ-CT
Unit 45010
APO, AP 96343-0061

USA Engineer Dist, Alaska
PO Box 895
Anchorage, AK 99506-0898

USA Cold Region Research and
Engineering Laboratory
ATTN: CECRL-LM-CT, 72 Lyme Rd
Hanover, NH 03755-1290

EP 415-1-266
Mar 00

SAMPLE
On-Line Payment and Collection (OPAC)
Trading Partnership Agreement

OPAC Trading Partners:

DFAS-Columbus Center, Accounting Directorate (ALC: 00006551)

(ALC: _____)

Reimbursable billings (SF 1080) will be generated by DFAS-Columbus, Accounting Directorate on behalf of the Defense Contract Audit Agency (DCAA) for collection from your agency. OPAC is the preferred method of collection for these receivables. This agreement states your agencies data requirements for all collections processed-by DFAS-Columbus, Accounting Directorate.

The required data elements to be submitted by DFAS-Columbus, Accounting Directorate for all collection transactions are as follows:

1. Bill Number.

DFAS-Columbus, Accounting Directorate point of contact and phone number.

2. Your agency has the right to reverse any transaction that does not contain the required information referenced above or exceeds authorized funding.

*DFAS-CO agrees not to process any transactions during the last five working days of the month.

This agreement will commence immediately. Any amendments must be agreed upon by,DFASColumbus, Accounting Directorate and your agency.

SAMPLE

SAMPLE

<i>Your organization name</i>	Date	Ron R. Holloway	Date
Chief, Financial Officer		OPAC Project Officer	
<i>Your Office Symbol</i>		DFAS-CO-F	

SAMPLE

SAMPLE

Your POC name	Date	Charla Haney	Date
OPAC Project Officer		Chief, Reimbursable Branch	
POC Office Symbol		DFAS-CO-AAR	

CEMP-RS (200-1a)

07 JAN 1999

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation of the Program and Project Management Information System (PROMIS) for Environmental Programs

1. References:

a. Memorandum, CEDC dated 28 February 1997, subject: PROMIS Implementation Guidance Memorandum Number 1.

b. Memorandum, CEMP-M dated 28 April 1997, subject: PROMIS Implementation Guidance Memorandum Number 2.

c. E-mail message, CEDC dated 29 April 1998, subject: PROMIS.

2. Headquarters, U.S. Army Corps of Engineers (HQUSACE) formed a Program and Project Management (PM) Tiger Team to research, develop a Course of Action analysis and decision brief for Automated Information System(s) AIS(s) to support the USACE PM process. The PM Tiger Team recently recommended and the Chief of Engineers concurred that PROMIS will be the PM AIS.

3. The enclosure provides instructions to enter and maintain environmental projects in PROMIS.

4. The point of contact for this action is Mr. Jim Strait (202) 761-0414, fax (202) 761-0525.

FOR THE COMMANDER:

Encl

//s//
MILTON HUNTER
Major General, USA
Director of Military Programs

DISTRIBUTION:

COMMANDER,

U.S. ARMY ENGINEER DIVISION, MISSISSIPPI VALLEY

U.S. ARMY ENGINEER DIVISION, NORTH ATLANTIC

EP 415-1-266
Mar 00

CEMP-RS

SUBJECT: Implementation of the Program and Project Management Information System
(PROMIS) for Environmental Programs

DISTRIBUTION: (CONT)

U.S. ARMY ENGINEER DIVISION, GREAT LAKES AND OHIO RIVER
U.S. ARMY ENGINEER DIVISION, NORTHWESTERN
U.S. ARMY ENGINEER DIVISION, PACIFIC OCEAN
U.S. ARMY ENGINEER DIVISION, SOUTH ATLANTIC
U.S. ARMY ENGINEER DIVISION, SOUTH PACIFIC
U.S. ARMY ENGINEER DIVISION, SOUTHWESTERN

CF:

CEMVD-PM (D. Herndon)
CEMVD-PM-E (D. Sills)
CENWD-MR-PM (L. Turney)
CENWD-MR-PM-H (D. Tosoni)
CENWD-PM-H (T. Matula)
CENAD-PM (J. Tyler)
CENAD-PM-M (J.D'Agosta)
CENAD-PM-M (A. Jimenez)
CELRD-GL-P (L. Hiipakka)
CELRD-GL-P (B. McPherson)
CELRD-GL-E (S. Nakib)
CELRD-GL-P-M (R. Warda)
CENAE-DD-PM (W. Scully)
CENAE-PP-E (M. Otis)
CENWD-NP-PM (C. Barnhill)
CENWD-NP-PM-M (L. Anderson)
CENWD-NP-PM (M. White)
CELRD-OR-DL-MS (D. Spellman)
CELRD-OR-DL-MS (P. Bertsch)

CEPOD-PM (T. Ushijima)
CEPOD-PM (G. Kitkowski)
CESAD-PM (C. Dever)
CESAD-PM-M (J. Sanders)
CESAD-PM-M (S. Taylor)
CESPD-PM (W. Dawson)

CESPD-PM (J. Wharry)
CESPD-PM-M (J. Davidson)
CESPD-PM-C (J. Hritz)
CESPD-PM-R (A. Mei)

CEMP-RS
SUBJECT: Implementation of the Program and Project Management Information System
(PROMIS) for Environmental Programs

CF: (CONT)
CESWD-PM (R. Armstrong)
CESWD-PM-M (T. Hudspeth)
CESWD-PM-C (J. Medlock)

Instructions for Entering and Maintaining Environmental Projects in the Program and Project Management Information System (PROMIS)

1. **General.** All work managed by USACE will be entered and maintained in PROMIS with appropriate links to the Corps of Engineers Financial Management System (CEFMS). Specific guidance for PROMIS implementation is provided below for each of the major Environmental programs. Each district executing any portion of a project where other portions are executed by another district must manage their portion separately in their district's PROMIS database. This is necessary because PROMIS, like CEFMS, is a District level system and information is not exchanged corporately between district systems. Districts are encouraged to develop customized WBS templates and virtual projects that can be quickly retrieved and edited for specific project requirements resulting in shorter loading time.

CENWD has initiated an Internet based PROMIS, CEFMS and RMS reports application at URL - <http://wpc21.usace.army.mil:9713/>. Districts, Divisions, and HQUSACE can access this application for project and program reports. The reports application is maintained by Robert E. Taylor, CENWP, 503-808-4977, and Karen L. Morgan, CENWS, 206-764-6086. They can be contacted regarding report specifications currently available and for creating additional reports. The following conventions for entering project narrative information in PROMIS comment fields will allow for consistent retrieval of that information for reports: project background and scope will be entered as a Synopsis comment; project status will be entered as a General comment; and, project issues will be entered as Issue comments.

2. **Lowest Reasonable Cost Line Charts.** Environmental Division requires that project cost estimates as well as actual costs be tracked over time with the goal of reducing project costs. Total Estimated Project Cost Estimates and Actual Project Cost verses time are graphically depicted as lines over the life of the project. Various graphical approaches may be used. One suggestion shown on enclosure 1 is for the Southern Maryland Wood Treating project. The initial total estimated project cost was created at the beginning of the project. The negotiated total project cost estimate was subsequently prepared that saved \$17M of the initial \$47M cost estimate and saved 145 days of the initial 945 days. The negotiated project costs are now \$30M and time to complete is now 800 days. Actual project costs are also plotted so management can compare to the projected costs and make appropriate adjustments. The lowest reasonable cost line charts are to be prepared by the executing district in PowerPoint or Excel and submitted to HQ semi-annually via e-mail.

3. **Intergovernmental and Superfund Support Projects.** Intergovernmental and Superfund

programs define a project in PROMIS as an operable unit where one or more phases (i.e. remedial investigation/feasibility study, remedial design, remedial action, real estate, etc) are executed for the same scope of work. Each phase is required to be resourced to the third level of the Hazardous, Toxic and Radioactive Waste (HTRW) Work Breakdown Structure (WBS). Enclosure 2 provides a diagram of the PROMIS HTRW WBS elements and CEFMS HTRW Work Category Elements with appropriate links at the third level. Project Managers may resource at lower levels if desired. Minimum Milestones include Start RI, Final RI submitted, Start FS, Final FS report completed, Design started, Pre-final (90%) design submittal, Advertise (IFB) or issue RFP for RA, Award RA (Construction contract), RA NTP Issued, RA physically complete, RA contract complete, Start Real Estate Planning Report (REPR), Complete REPR, Start RE Acquisition for RD, Complete RE Acquisition for RD, Start RE acquisition for RA, and Complete RE Acquisition for RA.

4. **Installation Restoration Program (IRP) Projects.** Enclosure 3 provides detailed guidance for entering IRP into PROMIS.

5. **Army Base Realignment and Closure (BRAC) Environmental Restoration (ER) Projects.** Enclosure 4 provides detailed guidance for entering BRAC-ER projects into PROMIS.

6. **The Formerly Used Defense Sites (FUDS) Projects.** Enclosure 5 provides detailed guidance for entering FUDS projects into PROMIS.

7. **Formerly Utilized Sites Remedial Action Program (FUSRAP).** Detailed guidance for entering FUSRAP projects in PROMIS is provided in Enclosure 6.



DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

EP 415-1-266
31 May 00

REPLY TO
ATTENTION OF:

CESO-I (690-400a)

MAY 13 1994

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: HTRW Safety and Health Training Courses and Medical Surveillance Required by OSHA Standards 29CFR 1910.120 and 1926.65

1. This policy letter is provided to reiterate that USACE personnel are required to take the initial 40-hour formal OSHA required HTRW safety and health training course, initial 8-hour supervisor course (for on-site supervisors), annual 8-hour refresher training and associated medical surveillance when conducting work activities at HTRW sites.

2. The following requirements are provided. USACE personnel:

a. who conduct on-site work (not as a visitor) in support of USACE HTRW mission activities as specified in ER 385-1-92 dated 18 March 1994, shall have completed an initial OSHA mandated formal 40-hour HTRW safety and health course prior to coming on-site. On-site work includes tasks such as Preliminary Assessments(site visits), Site Inspections, Remedial Investigations/Feasibility Studies, Designs, Remediation and other on-site HTRW mission activities. Prior to taking the 40-hour course, each employee shall have completed medical surveillance to ensure they are able to successfully perform all of the hand-on exercises included in the course such as the donning and wearing of personal protective equipment including respirators. See enclosure 1 for details regarding the medical surveillance for this training. In addition, medical surveillance required by the local command and the site safety and Health Plan (SSHP) developed for each site shall be observed prior to conducting on-site work.

b. who have completed the initial 40-hour HTRW course and any subsequent 8-hour refresher course annual updates but currently are not and will not be assigned to work at HTRW sites within the next year and who will not enter contaminated areas of HTRW sites during any visits, are not required to be up-to-date regarding the annual 8-hour refresher training requirement. OSHA has issued several interpretations regarding this issue. A letter from the HQ OSHA's Directorate of Compliance is provided at enclosure 2. For such personnel who will not be working at HTRW sites and who will be not be exposed to site contaminants and not wear personal protective equipment including respirators, there is no continued requirement for work-related HTRW medical surveillance.

31 May 00

CESO-I

SUBJECT: HTRW Safety and Health Training Courses and Medical Surveillance Required by OSHA Standards 29CFR 1910.120 and 1926.65

c. who have completed the 40-hour course shall also take an initial 8-hour supervisor course if they will be working on-site and be responsible for the continuous or occasional on-site supervision of USACE employees conducting work at the site.

d. who perform on-site activities in the contaminated areas of a HTRW site (i.e. exclusion zone, contamination reduction zone) on a regular recurring or an occasional basis shall have completed the 40-hour course, the initial 8-hour supervisor course (if assigned on-site supervisory responsibilities) and be up-to-date regarding the 8-hour refresher training requirement before they perform that work activity. Medical surveillance as specified in the SSHP for the work to be performed shall be observed. OSHA states, "It is not necessary for Program Managers or Technical Managers, in absentee, who issue directives or work order changes, which will be applied by the on-site supervisor, to receive the additional 8-hours of supervisor training".

e. who visit a site and do not enter contaminated areas of the site (stay in the non-contaminated areas such as the support zone) are not required to have the 40-hour or be up-to-date regarding the 8-hour refresher training. Medical surveillance specific to the site SSHP requirements is not warranted.

3. USACE personnel who's 8-hour annual HTRW refresher training has lapsed past its anniversary date are not required to repeat the initial 40-hour training course before they can perform work in contaminated areas of the site. They are, however, required to have completed the 8-hour refresher course update prior to conducting such work. In enclosure 2, HQ OSHA's Directorate of Compliance states, "The time frame within which it would be necessary to provide extensive retraining for an individual who has not worked in the hazardous waste industry (on-site) for some time must be determined on a case-by-case basis In many cases, a two year absence from hazardous waste work (on-site) would not necessitate repetition of the 40-hour training, and refresher training by itself would be sufficient. However, a seven year absence would clearly indicate a need for extensive retraining; with particular emphasis given to new technologies. In such cases, the employer may wish to consider repeating the initial training course".

4. The determination of when it will be necessary to have an employee, whose refresher training has lapsed, repeat a 40-hour course will be handled on a case-by-case basis by the local safety and occupational health office. A number of factors identified in enclosure 2 shall be considered in making the determination. As a minimum, local commands shall not require

CESO-I

31 May 00

CESO-I

SUBJECT: HTRW Safety and Health Training and Medical
Surveillance Required by OSHA Standards 29 CFR 1910.120 and
1926.65

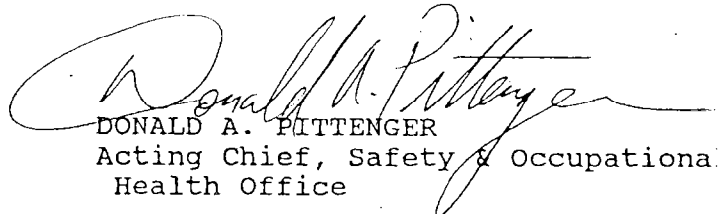
the repeat of the initial 40-hour course when the anniversary date of the last training certificate (either initial 40-hour course if no refresher courses have been taken or the latest 8-hour refresher course) has not lapsed by more than 3 years.

5. An employee who takes an 8-hour refresher course cannot use that course to fulfill the requirement for meeting the initial 8-hour supervisor OSHA training requirement. In response to a written request, HQ OSHA's Directorate of Compliance stated, "In general, OSHA would expect a general hazardous waste site worker who is becoming a supervisor or manager to receive at least 16 hours of training the year they become a supervisor: 8 hours of supervisory training in addition to 8 hours of employee refresher training" (See enclosure 3).

6. In addition to formal training, OSHA requires the employee have on-site training including the requirement for 24 hours of On-The-Job Training (OJT) in the tasks being conducted by a trained experienced person.

7. POC for this action is Mr. Robert Stout. He may be reached at 202 272-8566.

Encls 3


DONALD A. PITTENGER
Acting Chief, Safety & Occupational
Health Office

DISTRIBUTION:

Major Subordinate Commanders, ATTN: Safety & Occ Health Office
District Commanders, ATTN: Safety and Occ Health Office
Director, Humphreys Engr Center Support Activity, ATTN: CEHEC-SO
Commander/Director, Construction Engineering Research Laboratory,
ATTN: CECER-SO
Commander/Director, Cold Regions Research and Engineering
Laboratory, ATTN: CECRL-SO
Commander/Director, Waterways Experiment Station, ATTN: Safety
and Occupational Health Office
All Major Subordinate Commanders, ATTN:
Construction-Operations Division
Engineering Division
Human Resources, Training
All District Commanders, ATTN:
Construction-Operations Division
Engineering Division
Human Resources, Training